

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58873 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- TANDWA District- Aurangabad

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1. Krishna Singh S/o Sikandar Singh Resident of Village- Jharibalthar, P.S. - Tandwa District Aurangabad
 2. Sikandar Singh S/o Late Ganauri Singh Resident of Village- Jharibalthar, P.S. - Tandwa District Aurangabad
 3. Shanti Devi W/o Sikandar Singh Resident of Village- Jharibalthar, P.S. - Tandwa District Aurangabad
 4. Poonam Devi W/o Krishna Singh Resident of Village- Jharibalthar, P.S. - Tandwa District Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nitu Kumari
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-09-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Tandwa Police Station Case No. 48 of 2024, disclosing offences punishable under Sections 302/120-B/201/34 of the Indian Penal Code.
3. The prosecution case, as per the complaint -cum- First Information Report filed on 13.03.2024, is that the marriage of the informant's sister (now deceased) was solemnized with co-accused Anil Kumar in May, 2008.



After marriage, the accused persons started torturing and abusing the deceased, out of their wedlock, two children were born. On 16.02.2024, the brother-in-law and husband of the deceased informed on telephone to the informant that his sister is in serious condition. On such information, the informant arrived at her sister's matrimonial home, at village Jharibalthar, in the district of Aurangabad, where the informant found that the house was locked and all the accused persons were absconding. The villagers informed that the deceased has died and was cremated on 15.02.2024.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of concocted complaint petition filed by the brother of the deceased. The petitioner no. 1 is the elder brother-in-law (bhaisur), the petitioner no. 2 is the father-in-law, petitioner no. 3 is the mother-in-law and petitioner no. 4 is the elder sister-in-law of the deceased. Referring to Annexure-2 series, learned Counsel submits that this is the death certificate of the deceased, who died due to illness at Bagaru, Jaipur (Rajasthan) on 16.02.2024 and death certificate in this regard has been issued by the



Office of the Registrar, Bagaru, Jaipur, Directorate of Economics and Statistics, Government of Rajasthan. The Ward Councillor of Bagaru, Jaipur, has confirmed that death of deceased took place on 16.02.2024 and he recommended for issuance of death certificate in this regard. The Revenue Officer (Patwari) has also confirmed that death took place in Bagaru, Jaipur due to illness and recommended for preparation of death certificate, vide his report, dated 15.05.2024. The landlord of the house, where co-accused Anil Kumar and the deceased used to reside, has also confirmed that the deceased has died in Bagaru on 16.02.2024. Learned Counsel submits that all these contemporaneous documents suggests that deceased died due to illness on 16.02.2024 in Bagaru, Jaipur, but a false complaint has been filed stating therein that the deceased died at Aurangabad in village Jharibalthar and was cremated by the accused persons on 15.02.2024 itself.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the documents annexed at Annexure 2 series, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Tandwa Police Station Case No. 48 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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