

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61010 of 2024

Arising Out of PS. Case No.-882 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Raj Kumari Devi W/O Krishnandan Bhagat R/O Village- Pokhraise, P.S- Saraiya, Distt.- Muzaffarpur.
2. Krishnanandan Bhagat S/O Late Such Bhagat R/O Village- Pokhraise, P.S- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mrs. Vaishnavi Singh Mr. Ritwik Thakur
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-12-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 498(A), 304-(B), 201 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case and the informant alleges that his sister was married to Mithun Kumar and out of the wedlock, three children were born. Further, victim was tortured by the accused persons for not fulfilling the demand of cash, ornaments, vehicles etc. Further, on 19.12.2023, his sister



called and informed that the accused persons assaulted her and she apprehends that she may be killed. Accordingly, the informant went to the place of occurrence and found the house locked. On query, villagers informed that his sister has been killed and body disposed of. Accordingly, he informed the police and the police came and saw the burning pyre which was recorded by mobile.

4. The learned counsel for the petitioners submits that submits that petitioners being in-laws of the deceased have been falsely implicated in the instant case by the informant. It is further submitted that the informant in the FIR does not disclose the date of marriage of his sister with Mithun. It is next submitted that though the FIR discloses that out of the wedlock three children were born. It is further submitted that the eldest child of Mithun is 13 years old and the marriage of Mithun Kumar with the deceased was performed in the Year 2010. It is further submitted that in between 2010 till 2023, no case came to be instituted either by the informant or the deceased alleging torture. It is next submitted that petitioners being in-laws are separate in mess and property from their son. It is also submitted that the deceased died on account of ill-health and the entire family members of the deceased also participated in the



cremation and after participating in the cremation by way of after thought, the instant FIR came to be instituted . It is further submitted that informant in the FIR alleges that on 19.12.2023, he was informed by his sister that she was assaulted and apprehended that she may be killed, but then, he does not disclose that as to when he reached the place of occurrence and from perusal of the FIR, it would manifest that application was given to the police on 23.12.2023 based on which the FIR came to be instituted on 24.12.2023. The learned counsel next submits that since the marriage was more than 13 years old, as such, no offence under Section 304(B) of the I.P.C. is made out.

5. Learned A.P.P. opposes the anticipatory bail application and submits that what is not disputed rather stands admitted is that sister of the informant died whether death was homicidal, suicidal or accidental is an aspect of investigation. It is further submitted that the pleadings in the anticipatory bail application also does not disclose that what was the reason of the death of the sister of the informant. It is next submitted that if privilege of anticipatory bail is granted to the petitioners, they may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.



6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- IVth, West Muzaffarpur in connection with Saraiya P. S. Case No.882 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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