

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70395 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- BRAHMPUR District- Buxar

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1. RAM KUMAR RAM Son of Late Munsu Ram VILLAGE- OSSAIN, P.S.- BIHIYAN, DISTRICT- BHOJPUR, AT PRESENT RESIDENT OF VILLAGE- PANCH PHEDWA, P.S- BRAHMPUR, DISTRICT- BUXAR
 2. Lakshmina Devi W/O Ram Kumar Ram Resident of Village- Ossain, P.S.- Bihiyan, District- Bhojpur At present resident of village- Panch Phedwa, P.S. Brahmpur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad
For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-03-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Brahmpur P.S. Case No. 262 / 2023 dated 11.05.2023 registered for the offence under Section 304(B) / 201 / 34 of the Indian Penal Code.

3. As per the First Information Report the marriage of the informant's daughter, was solemnized with the co-accused / Deepak Kumar, who happens to be the son of the petitioners. The marriage was solemnized in the year 2018 and after five years of marriage the informant's daughter died in her matrimonial home in suspicious condition, the information of which was received by the informant after 04.05.2023 and upon



enquiry he came to know from the nearby people that his daughter has been killed and her body has been disposed of.

4. Learned counsel for the petitioner submits that petitioners are the father-in-law and mother-in-law of the deceased. As per the First Information Report deceased was found missing and during the course of investigation the dead body of the deceased could not be found as such in the supervision note the superior authority has recommended for filing charge sheet against the arrested accused persons under Sections 364 / 498(A) of the I.P.C. Learned counsel further submits that from the wed lock two children were born and the petitioners are taking care of the minor children of the deceased. The petitioner no. 1 is suffering from various disease which would be evident from the prescriptions attached as Annexure -3 Series.

5. I have heard learned counsel for the parties and have gone through the materials on record including the case diary. From perusal of paragraph no. 41 of the case diary it appears that the co-accused i.e. the son of the petitioners have disclosed during the course of investigation that his wife has committed suicide on 04.05.2023 by hanging herself from a ceiling fan and thereafter her dead body was disposed by him and the



petitioners. Subsequently all of them fled away from the house. As per the allegation made in the First Information Report the informant has said that when he visited the matrimonial home of his daughter he found the same locked and no body was present.

6. The nature of death is not important whether it is accidental, suicidal or homicidal. Within seven years of marriage the daughter of the informant has died an unnatural death in her matrimonial home and under Sections 113A & 113B of the Evidence Act there is presumption against the accused persons.

7. Taking into consideration the gravity of the offence and the severity of the punishment, I am not inclined to grant anticipatory bail to the petitioners.

8. The application stands rejected.

9. However, if the petitioners surrender and seek regular bail, the concerned court shall decide the same on its own merit without being prejudiced by the fact that the present anticipatory bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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