

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72429 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- RAJEPUR District- East Champaran

1. Ashish Kumar S/o- Phul Kumar Sah Resident of Village - Belahiyan, P.S. - Tariyani Chhapar, District - Sheohar
2. Abhishek Kumar Son of Phul Kumar Sah Resident of Village - Belahiyan, P.S. - Tariyani Chhapar, District - Sheohar
3. Mina Devi @ Meena Kumari Wife of Phul Kumar Sah Resident of Village - Belahiyan, P.S. - Tariyani Chhapar, District - Sheohar
4. Rani Gupta @ Rani Kumari W/o- Ashish Kumar Resident of Village - Belahiyan, P.S. - Tariyani Chhapar, District - Sheohar
5. Seema Kumari @ Seema Devi W/o- Nawal Sah @ Naval Babu Prasad Resident of Village - Belahiyan, P.S. - Tariyani Chhapar, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhurendra Kumar, Advocate
For the Opposite Party/s	:	Mr.Sucheta Yadav, APP
For the Informant	:	Mr.Brahmaputra Singh Ishu, Advocate
	:	Ms.Poonam Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 30-10-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Rajepur PS case no. 131 of 2024, disclosing offences punishable under Section 304(B)/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 22.06.2024 at about 8 pm, informant's daughter Neha Kumari received a call from her sasural, regarding demand of Rs. 20 lacs and a four wheeler. Thereafter,



she went inside a room and locked herself. When the informant broken the door and went inside, he saw that her daughter was vomiting. Then, he took her daughter to S.K.M.C.H., Muzaffarpur, where she was declared dead.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case due to ulterior motive. Learned counsel further submits that petitioners no. 1 and 2 are brothers-in-law, petitioner no. 3 is mother-in-law, petitioner no. 4 is sister-in-law and petitioner no. 5 is aunt-in-law. Learned counsel further submits that deceased was Teacher at Darbhanga and she was living at her parent's house at Darbhanga for the last one and half year. He next submits that deceased committed suicide at her naihar (parent's home).

5. On the other hand, learned Additional Public Prosecutor and the informant vehemently opposed the prayer for bail.

6. I have heard learned counsel for the parties and have gone through the materials on record including the impugned order.

7. In close proximity of time, there is demand of dowry, torture and death of the informant's daughter. The nature of death is not important whether it is natural, suicidal,



homicidal or accidental but the fact of the matter is that deceased died an unnatural death within two years of her marriage. There is a presumption against the accused persons under Sections 113-A and 113-B of the Evidence Act. The offence is serious in nature and the punishment thereof is also serious. The father-in-law and mother-in-law are responsible members of the family, hence they have greater family responsibility. In the F.I.R., it is specifically alleged that on 21.06.2024, deceased was brutally assaulted by in-laws people and she was dropped at her parental home.

8. Accordingly, I am not inclined to grant anticipatory bail to the petitioner no. 3

9. This application, so far as petitioner no. 3 is concerned, is dismissed.

10. However, considering the fact that the petitioners no. 1 and 2 are brothers-in-law, petitioner no. 4 is sister-in-law and petitioner no. 5 is aunt-in-law of the deceased, I am inclined to grant the petitioner nos. 1, 2, 4 and 5 privilege of anticipatory bail.

11. This application, so far as petitioner nos. 1, 2, 4 and 5 are concerned, is allowed.

12. Let the petitioner nos. 1, 2, 4 and 5, above named, in the event of their arrest or surrender before the Court below



within a period of six 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 J.M. 1st class, East Champaran, Motihari in connection with Rajepur Police Station Case No. 131 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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