

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72102 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- DALSINGHSARAI District- Samastipur

1. Madan Mohan Prasad @ Mandan Mohan Prasad S/O Late Yugal Kishore Lal R/O Village- Bhagwanpur Chakshekhu , Police Station - Dalsinghsarai , District - Samastipur.
2. Kiran Devi W/O Madan Mohan Prasad @ Mandan Mohan Prasad R/O Village- Bhagwanpur Chakshekhu , Police Station - Dalsinghsarai , District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Pratap
For the Opposite Party/s	:	Mr. Pranav Kumar
For the Informant	:	Mr. Arun Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-10-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B, 302, 201 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners have antecedent of two cases and the informant alleges that his daughter was married to Vikash son of petitioners on 03.03.2024, further after marriage, the victim informed the informant that the accused persons are demanding



dowry, next alleges that after 15 days of marriage, the informant came to the matrimonial home of the victim for her *Bidai*, but Vikash and other accused persons said that their new house is being constructed, hence the *Bidai* will be performed after two months, thereafter on 08.06.2024, Vikash called and informed the informant that victim has died, accordingly, the informant reached the place of occurrence and found the dead body of his daughter lying on a bed.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case being father-in-law and mother-in-law of the deceased. It is next submitted that no doubt the death of the victim took place within three months of marriage, but then all deaths are not dowry deaths. It is also submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same is general and omnibus in nature as the informant does not allege as to what was being demanded by the accused persons including the petitioners by way of dowry. It is also submitted that informant had gone to the matrimonial home of his daughter for her *Bidai*, but then a request was made for performing the ceremony of *Bidai* after two months as their new house was being built, on which the informant had agreed, it is



submitted that had the informant been apprehensive that his daughter was being tortured at her matrimonial home, he would not have acceded to the request of the accused persons of leaving her for another two months. It is also submitted that the fact that the dead body was lying in the house, that in itself demonstrates that the accused persons did not make any effort to dispose of the dead body for the purposes of concealing the evidence. It is further submitted that even petitioners were not present at their house and had gone to Ranchi on 06.06.2024 and they came back on coming to know about the occurrence through Vikash.

5. The learned counsel for the petitioners next submits that he is aware that plea of *alibi* is a weak plea, but then no effort was made by the accused persons including the petitioners to dispose of the dead body of the deceased that in itself demonstrates that petitioners were not involved in the occurrence or else effort would have been made to conceal the evidence. It is next submitted that whenever any dispute arises in between the husband and the wife and occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is also submitted that the entire allegation hinges



around suspicion and informant is not an eye witness to the occurrence. It is also submitted that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

6. Learned A.P.P. for the State along with learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion.

7. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dalsinghsarai P.S. Case No. 181 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the



Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioners after recording reasons.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

10. **Accordingly, the instant anticipatory bail application is allowed.**

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

