

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81785 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- RIVILGANJ District- Saran

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1. Surendra Kumar Chaudhary @ Surendra Chaudhary Son of Ramnath Chaudhry Resident of Village- Semaria PS -Revilganj District -Saran
 2. Kaushlya Devi Wife of Surendra Kumar Chaudhary Resident of Village- Semaria PS -Revilganj District -Saran
 3. Sonu Kumar Chaudhary son of Surendra Kumar Chaudhary Resident of Village- Semaria PS -Revilganj District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan
For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 06-12-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Revilganj Police Station Case No. 95 of 2023, dated 26.04.2023, disclosing offences under Sections 304-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the informant's sister was married to one Sagar Chaudhary, fifteen months ago, with whom she was in love. After few days of the marriage, the petitioner told that he married the informant's sister in confusion and



started demanding Apache Motorcycle as a dowry. The informant's sister informed her brother about the same on phone upon which, the informant went to the petitioner's door and tried to pacify the matter. On 22.04.2023, at about 9:00 am, the petitioner informed the informant that his sister has died. Upon knowing the incident, the informant, along with some villagers went to the village Semariya and got to know that his sister was strangled.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is father-in-law, petitioner no. 2 is the mother-in-law of the deceased and the petitioner no. 3 is brother-in-law of the deceased. He next submits that deceased has committed suicide and the allegation that the petitioners, alongwith others, that they have killed the deceased is false. He further submits that the petitioners have been made accused merely because they happen to be the family members of the deceased.
5. I have heard learned counsels for the parties and perused the materials available on record.
6. From perusal of the impugned order, it appears that within two years of marriage the deceased has died in her matrimonial home. The nature of the death is not



important whether it is homicidal, suicidal or accidental, but the fact is that deceased has died an unnatural death within 02 years of her marriage. There is presumption against the accused persons under Section 113-A and 113-B of the Evidence Act, 1872. The petitioner no. 1 is father-in-law and petitioner no. 2 is mother-in-law of the deceased and there is allegation against them that they, alongwith others, demanded dowry from the deceased. Accordingly, I am not inclined to grant the petitioner nos. 01 and 02 the privilege of anticipatory bail.

7. The bail application in respect of the petitioner nos. 1 and 2 is rejected.
8. In so far as the petitioner no. 3 is concerned, he his brother-in-law of the deceased and allegation against him is general and omnibus in nature, accordingly, I am inclined to grant privilege of anticipatory to the petitioner no. 3.
9. The bail application in respect of petitioner no. 3 is, accordingly, allowed.
10. Let the petitioner no. 3, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge VI, Saran at Chapra, in connection with Revilganj Police Station Case No. 95 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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