

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82911 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- SILAO District- Nalanda

Raju Prasad, aged about 20 years (Male), son of Mr. Mahendra Prasad, R/o village- Eksari, P.S- Silao, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Purushattam Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State and learned counsel for the informant, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with Silao PS Case No.252 of 2022 dated 08.11.2022, instituted under Sections 494, 498-A, 302, 201, 120-B, 363, 365, 304-B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The prosecution case, in short, is that the informant's daughter, Simpi Kumari, was married with the petitioner on 10.06.2019. After sometime, the petitioner started demanding a four-wheeler as dowry. Accordingly, a complaint case under Section 498-A of the Indian Penal Code was filed by



the daughter of the informant and after that the informant's daughter started living at her parental home. After sometime, she came to know that the petitioner has performed second marriage with one Sunita Devi for which the daughter of the informant lodged another case in Mahila PS bearing Mahila PS Case No.124 of 2021. On the occasion of *Dussehra*, in the year 2022, accused persons, namely, Mahendra Prasad, Sakunti Devi, Balmiki Yadav called the daughter of the informant for resolving the matrimonial dispute and assured that she would not face any problem. Thereafter, the informant sent her daughter to her *Sasural*. On 04.11.2022, the informant came to know that the petitioner in connivance with other accused persons have killed her daughter and have concealed the dead body. On 07.11.2022, the informant got information that a dead body was lying near Makauna village and the informant identified the dead body as her daughter's body. The face of the dead body was burnt with acid. The daughter of the deceased, who was aged about two years, was also missing. The informant claimed that due to non-fulfillment of demand of dowry, she has been killed.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. As a matter of



fact, no occurrence as alleged by the prosecution has ever taken place and the alleged deceased is either missing or has died in some other mode and manner while residing in her *Naihar* i.e., with the informant and her family members and in order to save their own skin and feed fat the grudge due to sour relation present false case has been lodged. It is further submitted that the deceased was never married to the petitioner and the petitioner was married with one Sunita Devi on 15.09.2019 from the said wedlock the petitioner has two issues aged about two years and six months respectively. Learned counsel further submitted that co-accused, Sunita Devi, Guddu Kumar @ Guddu Prasad and Rahul Yadav have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No.50879 of 2023 and Cr. Misc. No.51377 of 2023. Learned counsel for the petitioner has relied upon the submissions made in paragraph no. 4 of the order dated 08.11.2023 passed in Cr. Misc. No.50879 of 2023 and Cr. Misc. No.51377 of 2023. It is further submitted that there is neither any eye witness to the occurrence nor any circumstantial evidence against the petitioner. Further submission is that even as per the first information report, Mahendra Prasad, Sakunti Devi and BalmikiYadav had allegedly called the deceased to Madanpur



for *Panchayati* and thereafter it was learnt that Raju Prasad, Mahadeo Devi, Sunita Devi, Pankaj Kumar, Rahul Prasad and Guddu Prasad have killed the daughter of the informant. First Information Report was lodged after the inquest report. Lastly, it is submitted that there are two criminal cases pending against the petitioner which has been lodged allegedly by the deceased.

5. Learned APP as well as learned counsel for the Informant have opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, this Court finds that the present case has been lodged only on the basis of suspicion and there is no cogent material to connect the petitioner with the alleged offence and the FIR has been lodged after preparation of inquest report.

7. In such view of the matter, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Nalanda at Biharsharif, in Silao PS Case No.252 of 2022, subject to the conditions laid down in Section



438(2) of the Code of Criminal Procedure, 1973.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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