

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25091 of 2025

Arising Out of PS. Case No.-90 Year-2020 Thana- MANJHAGARH District- Gopalganj

1. Subash Chaurasiya @ Subash Pd. Chaurasiya S/o- Late Rajendra Chaurasiya @ Late Rajan Chaurasiya Village- Puraina, PS-Manjhagarh, District-Gopalganj
 2. Prabhat Chaurasiya @ Prabhat Kr. Chaurasiya @ Prabhat S/o- Subash Chaurasiya @ Subash Pd. Chaurasiya Village- Puraina, PS-Manjhagarh, District-Gopalganj
 3. Akash Chaurasiya @ Akash Kumar Chaurasiya S/o- Subash Chaurasiya @ Subash Pd. Chaurasiya Village- Puraina, PS-Manjhagarh, District-Gopalganj
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-08-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that her daughter was married to Sintu in the year, 2013. After marriage, accused persons started demanding Rs.5 lakhs and a Bolero vehicle. Further, one week before the occurrence the victim called the informant and asked her to take her back as



the accused persons would kill her for non-fulfillment of dowry demand. The informant was planning to go after 17.05.2020 as lock down was in vogue. Further, on 05.05.2020, someone informed the informant that her daughter has been killed by her husband and dead body concealed, accordingly, she went to the place of occurrence but did not find anyone. Thereafter, on 07.05.2020 Sintu called the informant and informed that her daughter died and her dead body was cremated.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that petitioner no. 1 is brother of the husband of the deceased and petitioners no. 2 and 3 are sons of petitioner no. 1. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the demand of dowry is general and omnibus in nature as nothing specific is alleged against the petitioners that they were demanding dowry from the deceased. It is also submitted that though petitioners were named accused in the FIR but then the police never made any endeavours to arrest them. It is submitted that in the year 2020, the SDPO in his supervision was of the view that petitioners may not be involved in the occurrence but the Superintendent of Police differed with the said finding of the



SDPO and found the case against the petitioners to be true. It is further submitted that no doubt, petitioners have approached this Court after five years of the occurrence but then since they were not apprehended by the police, hence, their anticipatory bail is maintainable as it has been held by the Hon'ble Supreme Court in the case of **Shri Gurbaksh Singh Sibbia & Ors. V. State of Punjab** reported in **1980(2) SCC 565** that anticipatory bail is maintainable till an accused is not arrested.

5. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners. It is further submitted that what has been submitted by the learned counsel appearing on behalf of the petitioners that anticipatory bail is maintainable since petitioners were not arrested, the said submission cannot be countenanced but then it is a case of dowry death and the dead body of the daughter of the informant was cremated. It is next submitted that had the petitioners not been involved in the occurrence then the petitioners would have sent the body for postmortem for ascertaining the cause of death and would not have cremated. It is also submitted that it was not possible for the husband of the deceased to cremate the body singly. It is submitted that the occurrence took place within seven years of marriage as the



marriage of the daughter of the informant with Sintu was performed in the year 2013 and she was killed in her matrimonial home in 2020, as such, presumption in law is also against the petitioners.

6. Learned A.P.P. reiterates and submits that had the dead body been sent for postmortem then cause of death could have been ascertained. It is further submitted that investigation is still continuing.

7. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners in connection with Manjhagarh P.S. Case No. 90 of 2020 pending in the Court of learned Chief Judicial Magistrate, Gopalganj/Successor Court.

8. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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