

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27161 of 2025

Arising Out of PS. Case No.-451 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

1. Harendra Prasad @ Harendra Kumar S/o- Late Nand Kumar Singh Village- Kansara, Makhdumpur, Dist- Jehanabad
2. Sushma Devi W/o- Harendra Prasad Village- Kansara, Makhdumpur, Dist- Jehanabad
3. Sunny Kumar S/o- Harendra Prasad Village- Kansara, Makhdumpur, Dist- Jehanabad
4. Vikash Kumar S/o- Harendra Prasad Village- Kansara, Makhdumpur, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Sinha
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-05-2025 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 of the IPC.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges this his daughter was married with Abhay on 11-3-2024, further after marriage, accused persons including the petitioners were demanding dowry of Rs. 3 lakh and a motorcycle, it is next



alleged that when son of the informant went to fetch his sister back to her parental home, the accused person abused and ousted him from the house saying that till demand of dowry is not met, victim will not be allowed to go home, further on 28-5-2024, he received a call and the caller informed that his daughter has been killed, accordingly he reached the place of occurrence and came to know that his daughter has been cremated, thus alleges that accused persons killed her by strangulation.

4. The learned counsel appearing on behalf of the petitioners submits that petitioners, being father-in-law, mother-in-law and brothers-in-law, have been falsely implicated in the instant case by the informant. It is next submitted that no doubt the informant and his wife, during the course of investigation, have supported the case of the prosecution, but then during the course of investigation at Para 6, 25 and 26 of the case diary, it has come that deceased prior to marriage was in love with a person and the same continued after marriage as such she committed suicide, as has been recorded in the order impugned. It is further submitted that the informant was aware of the reasons which led his daughter to commit suicide hence the body was cremated on request of the informant and his family



member, further in the cremation family members of both sides participated, as would manifest from the photographs of cremation annexed as Annexure-2 to the anticipatory bail application. It is next submitted that from perusal of the FIR, it would manifest that the same was instituted on 17-9-2024 based on Complaint Case No. 4782 of 2024 filed by the informant on 18-8-2024. It is thus submitted that the date of occurrence as per FIR is 28-5-2024 and the complaint case came to be instituted on 18-8-2024 based on which the instant FIR was instituted on 17-9-2024, as such the delay in instituting the complaint amply demonstrates that the informant by way of afterthought instituted the present case to pressurise the family members of Abhay.

5. The learned APP opposes the anticipatory bail application and submits that what is not disputed rather stands admitted is that daughter of the informant died. It is next submitted that no doubt there is a delay in instituting the complaint leading to the FIR, but then the post-mortem of the deceased was not conducted, which casts an aspersion on the conduct of the petitioners. It is submitted that had the petitioners not been involved in the occurrence, then definitely they would not have cremated the body, rather would have got the dead



body sent for post-mortem. It is also submitted no doubt a photograph with anticipatory bail application has been annexed and the submission has been made that the said photograph is of the cremation of the deceased in which family members of both sides participated but then that is an aspect of investigation. It is further submitted that in the event if privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not have abscond rather will cooperate in the investigation to prove their innocence.

6. 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. 25,000/- (Rupees Twenty-five 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 Makhdumpur P.S. Case No. 451 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. 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 the petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

8. It is further made clear that if charge sheet is submitted connecting the petitioners with the offence, in that event, the present anticipatory bail order shall lose its effect.

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

(Satyavrat Verma, J)

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