

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44091 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- KARAKAT District- Rohtas

- 1. PRAVEEN KUMAR CHOUBEY S/O GOPAL CHOUBEY R/O VILLAGE- HARIHARPUR, P.S- KARAKAT, DISTT.- ROHTAS.
- 2. SUSHILA DEVI @ URMILA DEVI W/O GOPAL CHOUBEY R/O VIL- LAGE- HARIHARPUR, P.S- KARAKAT, DISTT.- ROHTAS.
- 3. GOPAL CHOUBEY S/O LATE RAM ASHISH CHOUBEY R/O VIL- LAGE- HARIHARPUR, P.S- KARAKAT, DISTT.- ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44455 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- KARAKAT District- Rohtas

Prem Kumar Choubey Son of Gopal Choubey R/O Vill.- Hariharpur P.S.- Karakat District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44091 of 2024)
For the Petitioner/s : Mr.Patanjali Rishi
For the Opposite Party/s : Mr.Kumar Veerendra Narayan
(In CRIMINAL MISCELLANEOUS No. 44455 of 2024)
For the Petitioner/s : Mr.Patanjali Rishi
For the Opposite Party/s : Mr.Kumar Veerendra Narayan
For the Informant : Mr. N.A. Shamsi

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 15-02-2025 Both the criminal miscellaneous applications are of the same occurrence and as such, they are being heard together and disposed of by passing this common order.

2. Heard learned counsel for the petitioners, learned



counsel for the informant and learned APP for the State.

3. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Karakat P.S. Case no. 19 of 2024 instituted for the offence punishable under Sections 302/24 of the Indian Penal Code.

4. As per allegation in the FIR, sister of the informant (deceased) was married to the petitioner Prem Kumar Choubey and it is alleged that her brother-in-law Praveen Choubey tried to outrage her modesty, which was objected by his sister, namely, Archana Devi (deceased) and due to this reason, all the accused persons in connivance with each other, killed his sister. It is further alleged that when the informant with his family members reached at the place of occurrence, they saw that her dead-body was lying on bed, covered with quilt and the family members were absconding.

5. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. He has got no criminal antecedent. Informant's sister was a short tempered lady and she was not happy with her marriage and also she never desired to live in her matrimonial home.



6. Learned counsel appearing on behalf of the informant and learned APP appearing for the State has opposed the prayer of Bail and submitted that fact regarding molestation of deceased is mentioned in para 4 and 8 of the case diary. As per postmortem report, death caused by asphyxia due to hanging.

7. So far as case of other accused persons, namely, Sushila Devi and Gopal Choubey are concerned, they are parents-in-law of the deceased. In para 30 of the case diary, supervision note is mentioned in which offence u/s 306/34 of the IPC has been found true and in para 24 of the case diary it is mentioned that there is no criminal history against them.

8. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the two petitioners, namely, Sushila Devi and Gopal Choubey on bail. These two petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Karakat P.S. Case no. 19 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas subject to the conditions as laid down under section



438(2) of the Cr.P.C.

9. So far as petitioner, Praveen Kumar Chaubey (brother-in-law) is concerned, he has tried to outrage the modesty of the deceased and petitioner Prem Kumar Choubey (Cri. Misc. No. 44455 of 2024) is husband of the deceased and he is fully responsible to keep his wedded wife with honour and dignity at her matrimonial home but he has not taken any step and he was also indulged in committing murder of his wife. So, this Court is not inclined to grant anticipatory bail to these two petitioners, namely, Praveen Kumar Chaubey and Prem Kumar Choubey. Their prayer of anticipatory bail stands rejected.

10. Accordingly, both these criminal miscellaneous applications stands disposed off.

(S. B. Pd. Singh, J)

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