

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56241 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- CHHATAUNI District- East Champaran

1. Subhawati Devi Wife Of Ment Raut Resident Of Village - Imli Chauk, Jagjiwan Nagar, Police Station - Bettiah Town, District - West Champaran
2. Ment Raut Son Of Late Arjun Raut Resident Of Village - Imli Chauk, Jagjiwan Nagar, Police Station - Bettiah Town, District - West Champaran
3. Kajal Kumari Wife Of Rohit Kumar, Daughter Of Ment Raut Resident Of Purana Shiv Aspatal Bhawan, Ghana Ghar, Birganj, Police Station - Birganj Chauki, District - Birganj (Nepal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prerna Anand
For the Opposite Party/s : Mr.Satya Nand Shukla

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

5 17-03-2025 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in a case instituted for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

3. The prosecution case revolves around the marriage of the informant's daughter to co-accused Gopal Raut on 23.11.2023. Informant gave gifts to the accused as they could, and the daughter went to her matrimonial house



to lead a conjugal life. On 16.01.2024, father-in-law of informant's daughter gave telephonic information regarding her illness, to this informant along-with her brother Rajan Raut went to matrimonial house of her daughter. They found her unconscious and she had sustained injuries over her head, eye and other parts of the body. It is further alleged that informant took her to hospital and during the course of treatment she revealed that her husband and her father-in-law (petitioner No. 2) assaulted her and used to demand motorcycle as dowry. She further revealed that her mother-in-law and Nanad (petitioner No. 1 and petitioner No. 3 respectively) instigated them in such incidents. On 21.01.2024, she succumbed to injuries during treatment. The prosecution further alleges that the petitioners and co-accused committed the murder of the informant's daughter within one year of her marriage, due to non-fulfillment of motorcycle as additional dowry demand.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. It is further submitted that



petitioners do not accept this allegation levelled upon them rather states that they did nothing as it is said in the F.I.R. It is admitted that the victim was alive and was going under treatment about for 4-5 days but surprisingly there is no information at all given to the police by the informant or anyone nor even the doctor and staff of the hospital were ever examined by the police for verification of the fact towards the allegation as made in the F.I.R. Petitioners being the father-in-law, mother-in-law and married sister-in-law have no concern with the affairs of the victim as well as her husband. As a matter of fact the victim has received such injuries accidentally when she was moving fast in the house itself and it is the in-laws people including the husband who shifted her immediately to hospital. Sister-in-law of the victim (petitioner No. 3) is married and residing in Nepal with her family. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

5. Learned A.P.P. for the State vehemently opposed the prayer of bail and submitted that from perusal of the F.I.R., it appears that there is specific allegation against



father-in-law (petitioner No. 2) of the victim of torturing and assaulting due to which she succumbed to injuries.

6. Having heard learned counsel for the parties and considering the fact that the specific allegation of torture and assault is against husband and father-in-law (petitioner No. 2) of the victim and allegation levelled against petitioner No. 1 & 3, who are mother-in-law and married sister-in-law of the victim, is that they used to instigate them regarding the alleged offence, this Court is inclined to enlarge the petitioner Nos. 1 & 3, namely, Subhawati Devi and Kajal Kumari respectively on bail. The petitioner Nos. 1 & 3 (Subhawati Devi and Kajal Kumari) 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 Chhitauni P.S. Case no. 43 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 Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under section 438(2) of the Cr.P.C.



7. So far as Petitioner No. 2 (Ment Raut) is concerned, this court is not inclined to enlarge him on bail and, as such, his prayer for bail stands rejected and he is directed to surrender before learned court below and prays for regular bail, the same shall be considered by the court below, without being prejudiced by the order of this Court.

(S. B. Pd. Singh, J)

Nirajkrs/-

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