

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73391 of 2025

Arising Out of PS. Case No.-252 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

1. Mt. Meena Kunwar Wife of Late Balister Prasad Resident of Village- Bishambharpur, PS - Bishambharpur, Dist- Gopalganj
2. Arbind prasad @ Arvind Kumar Son of late Balister Prasad Resident of Village- Bishambharpur, PS - Bishambharpur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 20-11-2025 1. Heard learned counsel for the petitioners and Mr. Rabindra Kumar, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B) 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 his daughter, namely, Jyoti Devi was married to Mintu Prasad on 06.06.2023. After marriage, the accused persons started demanding a Bullet Motorcycle and on non-fulfillment of the same, the victim was tortured. It is further alleged that the victim used to inform her family members that the accused are planning to kill her on non-fulfillment of the



demand. Further, the accused persons on 10.12.2023 killed the daughter of the informant on non-fulfillment of the dowry demand, accordingly, on receiving the information, the informant went to the place of occurrence where the accused persons were not present. Thereafter, the police was informed and the dead body was searched but the same was not found, thus, alleges that the accused concealed the dead body in a sack and threw in the water. Further, Shawl and slipper of the victim was found.

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 from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that the dead body of the victim was not found and, thus, based on suspicion alleged that the dead body was concealed in a sack and thrown in the water. It is next submitted that the dead body of the deceased was recovered from a river and the same was sent for postmortem and the postmortem recorded asphyxia on account of drowning. It is also submitted that no doubt, the victim died within seven years of marriage but then all deaths are not dowry deaths. It is further submitted that the allegation of demand of dowry is also general and omnibus



in nature. It is next submitted that the informant alleges that the victim used to inform her family members that she may be killed on account of non-fulfillment of the dowry demand but still no effort was made from the side of the informant to save her which amply demonstrates that no such complaint ever was made to the informant by the victim. It is also submitted that whenever any dispute arises in between the husband and the wife and the occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is further submitted that postmortem report of the deceased has been brought on record by way of a supplementary affidavit. The supplementary affidavit is taken on record. It is next submitted that petitioners are the mother-in-law and the brother-in-law of the deceased and the husband of the deceased has been granted the privilege of regular bail by the learned District Court itself.

5. Learned counsel for the petitioners, at this stage, asserts and submits that the dead body of the victim was recovered from the river not from a sack but on account of swelling the body was found floating in the river. It is submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.



6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let 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.10,000/- (Rupees Ten 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 Vishambharpur P.S. Case No. 252 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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