

Arising Out of PS. Case No.-353 Year-2024 Thana- KARAKAT District- Rohtas

Arising Out of PS. Case No.-353 Year-2024 Thana- KARAKAT District- Rohtas

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh, Advocate Mr. Shankar Kumar, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, A.P.P.
For the Informant	:	Mr. Anil Kumar Singh, Advocate Mr. Nitee Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-04-2025 1. Heard learned counsel for the petitioners, Mr. Rabindra Kumar, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 80, 3(5) and 61(2) of the Bharatiya Nayay Sanhita, 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case being the mother-in-law and father-in-law of the deceased. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that his daughter was



married to the son of the petitioners on 13.02.2024 and on 06.07.2024, at 04:30 p.m., he was informed that his daughter died on account of slipping from stairs, accordingly, he reached the place of occurrence and saw strangulation mark over the neck of the deceased thereafter alleges that the named accused persons in the FIR including the petitioners after marriage were demanding dowry of Rs.2 lakhs and on non-fulfillment of the demand, all the accused persons strangled the deceased to death.

4. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence. It is further submitted that the allegation prima facie gives an impression that the entire family members have been implicated. It is next submitted that no doubt, the postmortem report also records that cause of death was asphyxia on account of strangulation but then it is submitted that whether it is possible that all the accused persons would have strangled the deceased together. It is also submitted that no doubt, presumption in law also is against the petitioners but then whenever any occurrence of the nature as alleged in the FIR takes place, the entire family members are implicated in a



mechanical manner. It is submitted that no doubt, the informant alleges that demand of dowry was being made and for non-fulfillment of demand of dowry of Rs.2 lakhs, the occurrence is alleged to have been committed but then it is submitted that it does not appear probable that the entire family members would have strangled the deceased to death for non-fulfillment of the dowry demand. It is further submitted at the cost of repetition that the manner in which the allegations are alleged amply demonstrates that the same has been alleged only for the reason for implicating the entire family members of the husband of the deceased. It is next submitted that had the petitioners been involved in the occurrence then efforts would have been made to dispose of the dead body with a view to conceal the evidence and not to inform the informant.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners and submit that what is not disputed rather stands admitted is that daughter of the informant died and the death was unnatural and the same also gets corroborated from the postmortem report but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that informant is not an



eyewitness to the occurrence and no effort was made by the accused persons including the petitioners to dispose of the dead body for the purposes of concealing the evidence. Learned counsel appearing on behalf of the informant further submits that if privilege of anticipatory bail is granted to the petitioners they may abscond on which learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. Learned counsel for the petitioners submits that husband of the deceased is in custody.

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 Court below 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 court below where the case is pending/Successor Court in connection with Karakat P.S. Case No. 353 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of



the learned trial court that petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

