

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81400 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- RAHUI District- Nalanda

1.

Nitish Kumar S/O Sidheshwar Bind R/O vill.- Mai, P.S- Rahui, Dist.- Nalanda
2.

Sumitri Kumari @ Soni Kumari Wife of Nitish Kumar R/O vill.- Mai,P.S- Rahui, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s

:

Mr. Anil Kumar Singh, Adv.

For the State

:

Mr. Nand Kishore Prasad, APP

For the Informant

:

Mr. Anand Kishore Chaudhary, Adv.
Mr. Kr. Ranjeet Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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07-02-2025

Heard learned Advocate for the petitioners and learned Additional Public Prosecutor for the State as well as the informant.

2. The petitioners apprehend their arrest in connection with Rahui P.S. Case No. 312 of 2024, registered for the offences punishable under Sections 302, 201, 120B and 34 of the Indian Penal Code.

3. Based upon the written report, it is alleged that the marriage of the daughter of the informant was solemnized with one Satish Kumar 10 years ago. From the said marriage, two children were also begotten. After spending some good time for



few years, later on all the accused persons in connivance with each other started torturing the victim. It is further alleged that on 13.06.2024 when the informant tried to contact his daughter he could not contact her, whereupon the informant and his family rushed to her matrimonial home where they came to know that the victim was done to death by all the accused persons and they threw her dead body in the river Ganga.

4. Learned Advocate for the petitioners contended that admittedly the marriage was solemnised 10 years ago and the couple also blessed with two children. At this belated stage any torture without any reason does not inspire confidence. Moreover, there is no allegation of any dowry demand. The petitioners are none else but the brother-in-law and sister-in-law of the deceased, who are residing separately, having no concern with day to day affairs of the victim and her husband. It is further contended that during the course of investigation it has come that the accused persons along with others went for cremation of the dead body without giving any information to the police and the informant, and by this way they disappeared the evidences, thus hardly it would be a case under Section 201 of the Indian Penal Code. It is lastly contended that the petitioners are persons of fair antecedent and they undertake that



they will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State and the informant oppose the bail application and submit that during the course of investigation, some persons have disclosed that there was ligature mark on the neck of the deceased and she was subjected to torture and violence. They further submit that the petitioners are named accused in the case and their complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are brother-in-law and sister-in-law of the deceased having separate accomodation moreovger the marriage was solemnised 10 years ago and the allegation levelled in the FIR is omnibus in nature, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Nalanda at Biharsharif in connection with Rahui P.S. Case No. 312 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further



condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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