

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89715 of 2024

Arising Out of PS. Case No.-580 Year-2023 Thana- KESARIA District- East Champaran

1. Baldeo Rai S/O Late Ramchandra Rai Resident of village - Ramagya, Ward no.- 11, P.S- Kesariya, District- East Champaran
2. Urmila Devi W/O Baldeo Rai Resident of village - Ramagya, Ward no.- 11, P.S- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-01-2025 1. Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Kesariya Police Station Case No. 580 of 2023,
disclosing offences under Sections 304(B), 302, 120(B), 34 of
the Indian Penal Code.

3. As per the FIR, the marriage of informant's
daughter was solemnized with co-accused namely Arvind
Kumar Yadav on 18.02.2019. After the marriage, the accused
persons started demanding four wheeler as dowry and the
demand could not be fulfilled by the informant due to his bad
financial position. On 06.12.2023, the informant came to know



that his daughter and her two children were killed by the petitioners and others after pressing her neck.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case merely on the ground that they happen to be the parents of the co-accused Arvind Kumar Yadav with whom, the informant's daughter was married. There is no specific demand of dowry against the petitioners. The entire family members have been made accused in the present case. During the course of trial of the co-accused Arvind Kumar Yadav, informant has deposed that the mental condition of the deceased was not good and the deceased was having good relationship with her husband and in-laws.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that in the earliest version i.e., FIR, the informant has specifically stated that for the demand of dowry, within seven years of marriage, the daughter and her two children have been killed by the petitioners and her husband. The postmortem of the deceased suggests that the cause of death is asphyxia due to strangulation. This is a case of triple murder, accordingly, taking into consideration the gravity of the offence and the severity of the



punishment and the fact that within seven years of marriage, the deceased met unnatural death in her matrimonial home, the nature of death is not important whether it is suicidal, accidental or homicidal, there is a presumption against the accused persons under Section 113A and 113B of the Evidence Act, accordingly, I am not inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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