

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35586 of 2020

Arising Out of PS. Case No.-589 Year-2016 Thana- MANER District- Patna

Arti Kumari, aged about 22 years, Female Daughter of Sri Rajeshwar Rai,
Resident of Village - Jivrakhan Tola, Goraiya Asthan, PS - Maner, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Senior Advocate with
Mr. Sunil Kumar Singh, Advocate

For the State : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Krishna Prasad Singh, learned Senior counsel assisted by Mr. Sunil Kumar Singh, learned counsel for the petitioner and Mr. Satya Nand Shukla, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Maner PS Case No. 589 of 2016 dated 30.12.2016, instituted under Sections 498A, 304B and 120/34 of the Indian Penal Code.

4. The allegation against the petitioner, who is the unmarried sister of the husband of the deceased, and her other



family members, is of killing the deceased and her three minor children, by putting them on fire.

5. Learned counsel for the petitioner submitted that besides being the unmarried sister, the fact that three minor children were also killed goes to show that there could not have been any role of the family members as they may have had differences with the sister of the informant, but there could not have been any dispute or enmity with the minor children of her brother. It was submitted that due to dispute between the couple, the sister of the informant had committed suicide along with her three children in a fit of rage. Learned counsel submitted that the husband has also been enlarged on bail after spending some time in custody. It was submitted that the father of the petitioner, who was the father-in-law of the deceased, Rajeshwar Rai, has been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 03.03.2020 in Cr. Misc. No. 9007 of 2020. It was submitted that the petitioner, besides being a lady, has no criminal antecedent.

6. Learned APP, from the case diary, submitted that the body of two children and the skeleton of the lady were fished out from the river whereas the body of the third child has not been recovered and the postmortem shows that death was due to



burning. It was further submitted that at the place of occurrence, a bed has been found on which the deceased were burnt to death and thereafter, the body was thrown in the river to destroy the evidence. It was submitted that witnesses have supported the prosecution version and the petitioner was in the house as she was unmarried when such incident happened and most importantly, the father of the petitioner was granted bail on the ground that he was made accused only after ten months. However, the petitioner, though not specifically named in the FIR, which states about a sister of the husband of the deceased, but obviously refers to her as she was the only sister living in the matrimonial house of the deceased and the circumstances also go to prove that the petitioner was involved in the heinous crime.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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