

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 37115 of 2020**

Arising Out of PS. Case No.-227 Year-2020 Thana- KESARIA District- East Champaran

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1. Kapildeo Rai, aged 70 years, Male, Son of Late Tengar Rai.
2. Baby Kumari, aged about 22 years, Female, Daughter of Kapildeo Rai.  
Both resident of Village- Bariya, PS- Kesaria, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate  
For the State : Mr. Anuj Kumar Shrivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 30-07-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Naresh Chandra Verma, learned counsel for the petitioners and Mr. Anuj Kumar Shrivastava, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. Learned counsel for the petitioners submitted that petitioner no. 1 namely, Kapildeo Rai having died, earlier such prayer on his behalf had been withdrawn and the matter is restricted to petitioner no. 2, namely, Baby Kumari.

4. The petitioner no. 2 apprehends arrest in connection with Kesaria PS Case No. 227 of 2020 dated 05.06.2020, instituted under Sections 302/34 of the Indian Penal Code.



5. The allegation against the petitioner no. 2 and others is of strangulating the wife of her brother.

6. Learned counsel for the petitioner submitted that she is the unmarried younger sister of the husband of the deceased and is not connected with the incident. It was submitted that even if some foul play was there, it is for the husband of the deceased to explain, and he is already in custody. Learned counsel submitted that even the mother of the petitioner no.2 has been granted bail after being taken into custody. It was submitted that the matter has also been compromised by the informant in which he has stated that the accused had no role in the crime. He submitted that the petitioner no. 2 has no other criminal antecedent.

7. Learned APP submitted that the petitioner no. 2 was the main cause behind the incident as the family of the deceased was pressuring for Rs. 1 lakh for the marriage expenses of petitioner no. 2. Further, it was submitted that in the postmortem, it has been found that there was black mark on the neck and there was blood oozing from the nose and the opinion was that she was strangulated. It was further submitted that during inquest, black mark has been found on the right hand of the deceased also. Thus, it was submitted that the petitioner no. 2, who was very much present in the house when the occurrence took place, was



instrumental and party to the crime as the deceased could not have been strangled by one person alone and the deceased being a lady, it is but obvious that the ladies of the house would have committed the crime and most importantly, the mother of the petitioner no. 2 has confessed that because the deceased was working, her free movements was not liked by the petitioner's family due to which she was strangled and killed. It was further submitted that a lady having four children would not have committed suicide, both in view of the finding in the postmortem which clearly states that it is a case of strangulation and not hanging and further, the deceased being mother of four children, could not have taken her life leaving behind her minor children. With regard to the compromise, learned APP submitted that the very reading of the same clearly shows that a clean chit has not been given to the accused and rather it has been said that taking into account the future of the children, the compromise was being made, which clearly indicates that the informant had not taken the stand that the petitioner no. 2 and her family members were not involved in the murder of the victim, and thus, it is obvious that the parties have compromised for other reasons. Moreover, it was submitted that the offence relating to murder being non-



compoundable, such compromise may not be of much importance and relevance, especially at the present stage.

8. 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 no. 2.

9. Accordingly, the petition stands dismissed.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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