

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35510 of 2020

Arising Out of PS. Case No.-342 Year-2019 Thana- KOTWA District- East Champaran

1. Asha Devi, Female, aged about 59 years, wife of Shewak Singh.
2. Shewak Singh, Male, aged about 66 years, son of Dev Singh.
3. Ragani Kumari, female, aged about 20 years, daughter of Shewak Singh.
4. Munna Kumar, male, aged about 26 years, son of Shewak Singh.
All are resident of Village- Madhuaha @ Maduaha, PS- Kotwa, District- East Champaran.
5. Sangeeta Devi, female, aged about 29 years, wife of Binay Singh, Daughter of Shewak Singh, Resident of Village - Sagar - Kathariya, PO - Sagar, PS - Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate
For the State : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Pravin Kumar, learned counsel for the petitioners and Mr. Rajendra Prasad Nat, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Kotwa PS Case No. 342 of 2019 dated 26.11.2019, instituted under Sections 304B, 201 and 120B/34 of the Indian Penal Code.

4. The allegation against the petitioners is that they



were party to the killing of the sister of the informant being family members of the husband of the deceased.

5. Learned counsel for the petitioners submitted that they are the relatives of the husband of the deceased and were separate, both in lodging and mess and that it was a love marriage between the deceased and her husband. It was submitted that in the FIR itself, it is said that the husband of the deceased had rung up the informant to tell him about her death and the fact is that the family members of the deceased had come and participated in the cremation, but later on, they have lodged this false case. Learned counsel submitted that the deceased was a chronic patient of epilepsy since before her marriage. It was submitted that subsequently both the parties have also filed compromise petition in the Court below.

6. Learned APP, from the case diary, submitted that besides the death having occurred within three years of marriage, the petitioners are in-laws of the deceased living in the same house and the witnesses have supported the prosecution case that the body was cremated without any information to the deceased's family. It was submitted that only a bald stand has been taken by the petitioners that the husband of the deceased had informed the family of the deceased that she had died, but



there is no explanation as to how a young girl had died suddenly. Further, it was submitted that the marriage being a love marriage, it is obvious that the petitioners would not have been satisfied with the same as they had not arranged the marriage which also raises strong circumstances with regard to their complicity. Moreover, it was submitted that there being no material to show that the deceased was suffering from a life threatening disease and had died as a result thereof and further no effort being made by the petitioners to take the deceased to any doctor or hospital, if at all she had fallen ill, itself is a big pointer that something wrong had been done which they had covered up and the best way was by cremating the body without leaving any trace of any such mark or evidence. It was submitted that had the petitioners been innocent, the death of a young girl without any explanation having occurred in the matrimonial home, it was their duty to inform the police for registering at least a case of unnatural death, which has not been done.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned APP. The sheer conduct of the petitioners, who are in-laws of the deceased



and living in the same house, coupled with the fact that the marriage was a love marriage, indicates that the petitioners were not satisfied with the same, and, thus, there is strong probability that there was some foul play in the death of the deceased as it occurred within three years of marriage and that the deceased was a young girl. Further, it was submitted, that nothing has come during investigation to even indicate that any effort was made by the petitioners to get any kind of medical aid to the victim which cannot also be lost sight of.

8. For reasons aforesaid, the Court is not inclined to grant pre-arrest bail to the petitioners.

9. Accordingly, the petition stands dismissed.

10. Interim protection granted to the petitioners under order dated 29.06.2021, stands vacated.

11. However, in view of submission of learned counsel for the petitioners, it is observed that if the petitioners appear before the Court below and pray for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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