

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36545 of 2020**

Arising Out of PS. Case No.-238 Year-2018 Thana- ADAPUR District- East Champaran

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1. Rajdevo Mahto @ Rajdev Mahto, aged about 61 years (male), son of late Banshi Mahto,
2. Rajkali Devi, aged about 57 years (female), wife of Rajdevo Mahto @ Rajdev Mahto,  
Both resident of village- Gamhariya Khurd, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar No. III, Advocate  
For the State : Dr. Kumar Uday Pratap, APP

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

**Date : 22-06-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Sunil Kumar No. III, learned counsel for the petitioners and Dr. Kumar Uday Pratap, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Adapur PS Case No. 238 of 2018 dated 23.08.2018, instituted under Sections 304-B, 201/34 of the Indian Penal Code.

4. The petitioners, who are father-in-law and mother-in-law of the deceased, are accused of killing her due to non-



fulfillment of demand of dowry.

5. Learned counsel for the petitioners submitted that they are the father-in-law and mother-in-law and were separate from their son i.e., the husband of the deceased. It was further submitted that the husband of the deceased is in custody.

6. At this juncture, when the Court put a specific query to learned counsel for the petitioners that whether the son was living in a separate house, he did not reply. Further, on a query of the Court that a young woman has died in the matrimonial home in which the petitioners were also living, why the body was cremated without information to her relatives and without informing the police and what was the cause of death, learned counsel, again, had no answer. Even the query of the Court as to what was meant by the petitioners being separate from their son and whether he was living in a separate house, learned counsel could not answer. Even the cause of death or the reason why relatives were not informed was not forthcoming.

7. Learned APP submitted that the petitioners being the father-in-law and mother-in-law i.e., the guardians and living in the same household cannot shirk their responsibility from the death as it occurred in their house and it was their duty to ensure that if there was no foul play, both the authorities as



well as the relatives of the deceased were informed so that they could come and take part in cremation, which has not been done. It was submitted that this itself is a pointer that the petitioners were party to the crime and even if it is assumed that it may have been perpetrated only by the son, but they are equally responsible for having concealed the death and protecting their son.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the submissions of learned APP. The petitioners being father-in-law and mother-in-law and there being no answer forthcoming that they were living in a separate house and also the reason why the relatives of the deceased were not informed and further, that what was the cause of death for a young girl, who died within seven years of marriage, the Court, upon due consideration, is not inclined to grant pre-arrest bail to the petitioners.

9. Accordingly, the application stands dismissed.

10. 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)**

J. Alam/-

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