

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34962 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

1. Shankar Sao
2. Vinay Kumar @ Vinayak Kumar Both sons of Mahendra Sao resident of village Barah, P.S. Harnaut, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.31652 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

Nagendra Sao S/o Late Rupan Sao Resident of Village Barh, P.S. harnaut (Kalyan Bigha O.P.), District Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.44994 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

Mahendra Sao S/o Late Rupan Sao R/o Village Barah, P.S.- Harnaut (Kalyanbigha O.P.), Distt. Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.53104 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

Dhirendra Sao @ Dhirendra Kumar S/o Mahendra Sao R/o Village Barah, P.S. Harnaut (Kalyanbigha O.P.), Distt- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :
(In Cr.Misc. No.34962 of 2015)

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Murlidhar(App)

(In Cr.Misc. No.31652 of 2015)

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Sangita Sharma (App)

(In Cr.Misc. No.44994 of 2015)

For the Petitioner/s : Mr. Parwej Khan, Adv.

For the Opposite Party/s : Mr. B.N. Pandey (App)

(In Cr.Misc. No.53104 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Adv.

For the Opposite Party/s : Mr. Anil Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 27-11-2015

Heard both sides.

The petitioners apprehend their arrest in Harnaut P.S. Case No. 157/2015, registered for the offences punishable under Section 304(B) and other Sections of the Indian Penal Code.

Petitioner Nagendra Sao is the uncle-in-law of the deceased. Petitioners Shankar Sao and Vinay Kumar @ Vinayak Kumar are the brothers-in-law of the deceased. Petitioner Mahendra Sao is father-in-law of the deceased and petitioner Dhirendra Sao @ Dhirendra Kumar is the husband of the deceased. The father of the deceased made allegations that his daughter Sonam Devi was married to Dhirendra Sao six years ago, but her husband drove her out from house asking her to bring Rs. 3,00,000/- for starting a business of medicines. Twice Panchayati were held and the accused persons had agreed to keep her properly.

It is submitted that the petitioners are innocent and they have in fact committed no offence. The marriage was solemnized on

24.02.2007. The petitioners never demanded any dowry. Sonam Devi @ Sony died due to heart disease. She was admitted in Ayushi Maternity Home and she died on 01.05.2015. Kiran Devi, mother-in-law of the deceased has already been granted anticipatory bail vide order passed in Cr. Misc. No. 45353/2015.

On the other hand, learned counsel for the informant as well as learned Additional P.P. opposed the prayer for anticipatory bail and submitted that the husband of the deceased was torturing her. The decisions of the Panchas incorporating. The case-diary clearly shows that Dhirendra Sao was always torturing his wife. The father, mother and brothers of Dhirendra Sao took the deceased to their house on undertaking to keep her properly.

It appears that the informant also made allegation that the husband Dhirendra Sao forced his wife to fulfill demand of Rs. 3,00,000/- and thereafter Panchayati was held. The papers of Panchayati shown by learned counsel for the informant clearly shows that Dhirendra Sao was always torturing his wife and mother-in-law, father-in-law and brothers-in-law of the deceased had undertaken to keep the deceased properly. It has nowhere come that father-in-law, mother-in-law, brothers-in-law and uncle-in-law were torturing the deceased. The case of the petitioners (i.e. father-in-law, brothers-in-law and uncle-in-law) stand on the same footing as that of mother-in-law of the deceased.

Considering the facts aforesaid, petitioners Nagendra Sao,

Shankar Sao, Vinay Kumar @ Vinayak Kumar and Mahendra Kumar above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Harnaut P.S. Case No. 157/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the case of Dhirendra Sao @ Dhirendra Kumar is concerned, he is husband of the deceased and there is specific allegation against the petitioner that he was always torturing his wife with all sorts of torture and ultimately he killed his wife.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner Dhirendra Sao @ Dhirendra Kumar above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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