

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38111 of 2016**

Arising Out of PS.Case No. -42 Year- 2016 Thana -PHULWARIA District- BEGUSARAI

=====

Nitu Devi W/o Nitish Bharti @ Riki Bharti, resident of Village- Manjhaul  
(Near Bus Stand), P.S- Manjhaul District: Begusarai.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Adv.

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh, APP.

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      21-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the second wife of the husband of the victim is apprehending arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. The daughter of the informant got married with Nitish Bharti who subsequently performed second marriage as a result, the informant's daughter was residing at her parents' house where she made attempt to commit suicide by setting herself on fire. The informant tried to save her as a result he also received burn injury.

It is submitted by the learned counsel for the petitioner

that admittedly the victim made attempt to commit suicide at her parents' house, though, subsequently, the victim succumbed to the injuries. It is further submitted that learned Sessions Judge has granted anticipatory bail to the husband of the victim vide order dated 19.04.2016 passed in ABP No. 471 of 2016 and the petitioner was not aware about the first marriage of her husband and thrust of accusation is against the husband of the victim.

Learned APP, after going through the case diary, submits that till date the case has never been registered either Section 306 or 302 or 304B of the IPC.

Considering the nature of accusation and the fact that the husband of the victim has been granted anticipatory bail, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM, 1<sup>st</sup> Class, Begusarai in connection with Phulwaria P.S. Case No. 42 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|