

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34691 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -KOARHA District- KATIHAR

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Sunita Devi @ Tunia wife of Sushil Sharma Resident of Village- Musapur,
P.S.- Koarha, (Kodha), District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Ram Sumiran Rai, Adv.

For the Informant/s : Mr. Jitendra Kumar Roy, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 21-10-2016 Heard both sides.

The petitioner apprehends his arrest in Koarha P.S. Case No. 84/2016, registered for the offences punishable under Sections 304B and 34 of the Indian Penal Code.

Chandra Shekhar Prasad the father of the deceased alleged that he married his daughter with Sunni Sharma, vill- Musapur, P.S. Koarha, Distt- Katihar on 24.04.2015, but after one month of marriage his daughter informed him that her in-laws were subjecting her to torture due to non-fulfillment of demand of dowry. The informant brought his daughter after one month of marriage to his village- Tarar. The husband of his daughter came there and asked the deceased to take Rs. 5,00,000/- from her



parents after selling the land. The informant made allegation that on many days his daughter made complain about the ill-treatment. Even on 25.04. 2016 the informant brought his daughter to the house of his Sarhu (brother-in-law), but the petitioner came to the house of his brother-in-law and asked the informant to take his daughter to her house Musapur. House of parents of the petitioner is situated by the side of house of Sarhu (brother-in-law) of the informant.

Learned counsel for the petitioner submits that the deceased committed suicide in her house and dead-body was found hanging from a fan. The room was locked from inside. It is submitted that from perusal of para 2 of the case diary it would appear that police officer got information about the commitment of suicide by a lady and went to the place of occurrence, found the dead-body hanging from a fan. The room was broken. It is further alleged that the victim committed suicide after leaving a suicidal note which is appended in para 17 of the case diary. The suicidal note is of six pages. During course of investigation the witnesses have stated that on the date of occurrence only Sunita Devi the petitioner was in her house. Other family members were not present. Petitioner is mother-in-law of the deceased and no specific allegation is made against the petitioner.



On the other hand, learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that at the very inception of the case the police started partial investigation. The informant filed criminal writ making allegation against the police officer for defective investigation. The suicidal note was not written by the daughter of the informant. Generally, the suicidal note does not contain six pages. From the bare perusal of the suicidal note it would appear that the deceased made remarks of all the family members. The suicidal note is not in the handwriting of the deceased and the same was sent to the Forensic Science Laboratory for examination. From perusal of the record it appears that the deceased died within one year from the date of her marriage and father of the deceased made all sorts of allegation about the demand of dowry and torture. The informant further alleged that even three days before the occurrence he brought his daughter in the house of his Sarhu (brother-in-law), but Sunita Devi (petitioner) mother-in-law of the deceased came to the house of his Sarhu as her Naihar situated nearby and persuaded the informant and his daughter to accompany her. Immediately, thereafter his daughter was killed within few months of her marriage.

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

(Prabhat Kumar Jha, J.)

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