

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39795 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -MANIGACHI District- DARBHANGA

Shibiya Devi wife of- Late Pawan Sharma, resident of Village- Jagdishpur,
P.S.- Manigachhi (Nehra O.P.), District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Sri Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

4 17-11-2016 Heard Sri Shekhar Kumar Singh, learned counsel who was assisted by Sri Pankaj Kumar Jha, learned counsel for the petitioner and Sri Narsingh Tanti, learned Additional Public Prosecutor.

The petitioner/ mother- in- law of the deceased has prayed for grant of anticipatory bail in Manigachhi (Nehra O.P.) P.S. Case No. 48 of 2016 which was initially registered under Section 341, 323, 344, 326, 307, 498(A) , 504 , 506/34 of the Indian Penal Code and subsequently Section 3 and 4 of the Dowry Prohibition Act and later on Section 304(B) , 302 of the

Indian Penal Code was added, has prayed for grant of anticipatory bail.

Learned counsel for the petitioner by way of referring to paragraph no. 29 of the case diary submits that at the time of preparation of inquest report the mother of the deceased and entire family members of both the sides due to some religious ground were opposing to get the postmortem conducted. He has also referred to certain facts disclosed in paragraph no. 30 of the case diary to show that conduct of informant side suggests that there was no case of dowry death.

However, on perusal of the F.I.R. the Court is satisfied that in any event it can not be a case of anticipatory bail. The F.I.R. has been lodged on the basis of fardbyan of the deceased who was married to the son of the petitioner only three years back from the date of occurrence. In the F.I.R. which in normal course after death of the informant can be treated as dying declaration there is specific accusation against the petitioner that she poured kerosene oil over the victim and thereafter she was set ablaze and in injured condition her fardbyan was recorded, subsequently she died. The inquest report suggests that it was prepared on 29.3.2016 whereas fardbyan of deceased was recorded on 15.3.2016.

In view of specific allegation made by the deceased against the petitioner , it can not be a case for grant of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

U			
---	--	--	--