

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30136 of 2016

Arising Out of PS.Case No. -104 Year- 2016 Thana -PIRO District- BHOJPUR

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1. Ram Awtar Sharma @ Rama Awatar Sharma, son of Sheo Pukar Sharma,
2. Lagani Devi wife of Sheo Pukar Sharma, Both resident of village-
Bamhwar, Police Station- Piro, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath, Adv.

For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 09-09-2016 Heard both sides.

The petitioners apprehend their arrest in Piro P.S. Case No. 104/2016, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The informant father of the deceased alleged that his daughter was married to the petitioner no. 1 Ram Awtar Sharma in the year 2005, but her daughter was complaining about the extra-marital relation of her husband. On 22.03.2016 the informant got information from Ram Awtar Sharma husband of the deceased that condition of his daughter was worst. When the informant and others went to the house of the petitioners, they saw dead body of his daughter was lying.

Learned counsel for the petitioners submits that petitioner no. 1 is the husband and petitioner no. 2 is mother-in-law of the deceased. The wife of petitioner no. 1 committed suicide by hanging herself. During the period of eleven years after marriage neither the deceased nor her family member made any complaint about ill-treatment or extra-marital relation of the husband of the deceased. The deceased got three children.

The Deputy Superintendent of Police found the case true under Section 306 of the Indian Penal Code.

It appears that Lagani Devi is mother-in-law of the deceased and there is no allegation against her.

Considering the facts aforesaid, Lagani Devi petitioner no. 2, in the event of her 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Bhojpur at Ara in connection with Piro P.S. Case No. 104/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

So far as the case of Ram Awtar Sharma petitioner no. 1 is concerned, he is the husband of the deceased. The informant

made allegation that his daughter was always complaining about the extra-marital relation of her husband. The husband had come to his house just before the death of the deceased and the deceased was found hanging herself.

It appears that the deceased committed suicide as her husband had extra-marital relation.

Considering the facts aforesaid, I am not inclined to enlarge Ram Awtar Sharma petitioner no. 1 on anticipatory bail. Accordingly, the same is rejected.

If petitioner no. 1 surrenders before the court below within four weeks from the date of receipt/production of a copy of this order and prays for regular bail learned court below shall consider his prayer for bail on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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