

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17673 of 2016

Arising Out of PS.Case No. -61 Year- 2015 Thana -ALIPUR District- GAYA

Sonu Kumar of Sanjay Sharma, resident of Village- Neemshar, Police Station- Alipur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.9180 of 2016

Arising Out of PS.Case No. -61 Year- 2015 Thana -ALIPUR District- GAYA

1. Bindu Devi wife of Sanjay Sharma
2. Sanjay Sharma son of Ram Brich Sharma @ Ram Brch Sharma Both are resident of Village- Neemshar, Police Station- Alipur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.26104 of 2016

Arising Out of PS.Case No. -61 Year- 2015 Thana -ALIPUR District- GAYA

Prinyans Kumar @ Priyoo Kumar son of Sanjay Sharma Resident of Village- Nimsar, P.S.- Alipur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.17673 of 2016)

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. S.N.Shukla(App)

(In Cr.Misc. No.9180 of 2016)

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sanjay Kumar Pandey(App)

(In Cr.Misc. No.26104 of 2016)

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 01-09-2016

Heard learned counsels for the petitioners

and the State.

Petitioners of Cr. Misc. Nos. 17673 of 2016 and 9180 of 2016 being the brother and parents of the husband of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 498A, 304B of the Indian Penal Code and 3/4 of Dowry Prohibition Act whereas petitioner of Cr. Misc. No. 26104 of 2016 Prinyans Kumar @ Priyoo Kumar being the husband of the victim is languishing in custody since 07.04.2016 in the present case registered under aforesaid sections.

The prosecution case is that the niece of the informant namely, Pammi Kumari was married with the petitioner Prinyans Kumar @ Priyoo Kumar on 29th May, 2014 but subsequent to the marriage torture was inflicted. On 23.06.2015 at 11.00 A.M. the informant received information through mobile phone that the niece of the informant, Pammi Kumari, was killed by her in-laws for non-fulfillment of the dowry demand.

It is submitted by learned counsels for the petitioners that the marriage between the petitioner Prinyans Kumar @ Priyoo Kumar and Pammi Kumari is admitted. The parents and brother claimed to be separate from the husband of the victim. On the alleged date of occurrence on 23.06.2015 the victim Pammi Kumari came in intoxicated condition with her brother Vikash from the parents' house to in-laws house. Subsequently, her brother left the victim in her in-laws house and thereafter she was taken to hospital where she died. Hence, if any, poison administered or it was being consumed by victim it was consumed at here parents' house. It is further submitted that the statement of the grand father of the victim was recorded in paragraph 9 of the case diary where he has stated that the victim has some fight with her husband one day prior to the occurrence at parents' house and thereafter the husband returned to his house and in the next morning the victim went to her matrimonial house with her brother Vikash. This fact has further been supported by the independent witnesses whose statements are recorded in paragraph nos. 32 to 36 of the case diary. There is counter version of the occurrence also lodged by petitioner Bindu Devi being the mother-in-law of the informant i.e. Alipur P.S. Case No. 62 of 2015 registered under Sections 328 and

302/34 of the Indian Penal Code wherein it was alleged that the poison was administered to the victim at her parents' house or she herself consumed poison. Moreover, the independent witnesses suggested that on way to matrimonial house the victim consumed some poisonous substance at a hand pump.

It is submitted by learned counsel appearing for Prinyans Kumar @ Priyoo Kumar that in view of the fact that the victim committed suicide by consuming no case is made out against the petitioner.

Counsel for the informant submits that the victim was being tortured by her husband including the family members and they killed the victim by administering poison for non-fulfillment of the dowry demand. The post-mortem report reflects multiple injuries.

Counsel for the State submits that the FSL report stipulates the presence of Aluminium Phosphide in the viscera which is commonly known as 'CELPHOS' a pesticide commonly used.

Considering the fact that the victim died slightly over one year of the marriage and even assuming the statement of the grand father of the victim there was fight between the victim and her husband one day prior to the

occurrence, this Court is not inclined to grant bail to the husband Prinyans Kumar @ Priyoo Kumar at present.

Accordingly, the prayer for bail of petitioner Prinyans Kumar @ Priyoo Kumar is rejected.

So far as the parents and brother of the husband of the victim are concerned, since the statement of the grand father of the victim does not suggest their involvement, let the above named petitioners of Cr. Misc. Nos. 17673 of 2016 and 9180 of 2016 be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Alipur P.S. Case No. 61 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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