

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10485 of 2017

Arising Out of PS.Case No. -47 Year- 2016 Thana -MAHILA P.S. District- PATNA

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1. Dinesh Sharma, Son of Bachchu Sharma,
2. Anita Devi, Wife of Dinesh Sharma, Both resident of Village –
Hardaspur, P.S. – Naubatpur, District – Patna. At present Jai Mahavir
Colony, Road No. 5, Bazar Samiti, Patna. Petitioners

Versus

The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.10365 of 2017

Arising Out of PS.Case No. -47 Year- 2016 Thana -MAHILA P.S. District- PATNA

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Chandan Kumar @ Chandan Sharma, Son of Dinesh Sharma, Resident of
Village - Hardaspur, P.S. - Naubatpur, District - Patna, At present Jai
Mahavir Colony, Road No. 5, Bazar Samiti, Patna. Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.10485 of 2017)

For the Petitioners : Mr. Ansul, Advocate.

Mr. Anuj Kumar, Advocate.

For the Opposite Party : Mr. Sri Nirmal Kumar Sinha, APP.

(In Cr.Misc. No.10365 of 2017)

For the Petitioner : Mr. Ansul, Advocate.

Mr. Anuj Kumar, Advocate.

For the Opposite Party : Mr. Ganesh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 11-05-2017

Heard both sides.

The petitioners who are father-in-law, mother-in-law
and husband apprehend their arrest in Mahila P.S. Case No. 47 of
2016, registered for the offences punishable under Sections
498(A)/34 of the Indian Penal Code and under Sections 3/4 of the
Dowry Prohibition Act.



The informant alleged that he married his daughter Chandani Kumari on 13.07.2016 with Chandan Kumar @ Chandan Sharma son of Dinesh Sharma, petitioner no. 1 of Cr. Misc. No. 10485 of 2017. On 18.07.2016, the informant got information that the accused persons demanded additional dowry, that is why the condition of his daughter deteriorated. The informant was called and he was abused. It is alleged that the informant was forcibly sent along with his daughter on autorickshaw. The informant got treated his daughter in different hospitals and, on 13.08.2016 the daughter of the informant died.

Learned counsel for the petitioners submits that daughter of the informant was suffering from acute schizophrenia. The marriage was solemnized on 13.07.2016 and she come to her matrimonial house, thereafter, she became violent and her father was called. The informant, himself, took his daughter for treatment. It is further submitted that from perusal of the prescriptions attached with the bail petition it would appear that the victim was under the treatment of Dr. Narendra Pratap Singh, Psychiatrist from before her marriage and she was a patient of acute schizophrenia. Her condition was deteriorated and she was started gasping and admitted to PMCH where she died on 13.08.2016. The investigating officer filed petition to add Section



304B of the Indian Penal Code in the court below. It is further submitted that there is no evidence to show that the petitioner ever tortured the deceased. On 18.07.2016 i.e. only after five days father of the deceased took her from the house of the petitioners but no external or internal injury was found. She was treated by the doctor and the doctor has very categorically stated that she was suffering from acute schizophrenia. Even in the post-mortem report, the doctor found neither external nor internal injury and she died due to cardiac respiratory failure.

On the other hand, learned counsel for the State vehemently opposed the prayer for anticipatory bail of the petitioners.

It appears that the informant stated in his fardbeyan that he married his daughter on 13.07.2016 but on 18.07.2016, itself, the condition of his daughter got deteriorated as the petitioners are alleged to have demanded additional dowry. When the daughter of the informant was admitted in hospital it appears that she was treated by Dr. Narendra Pratap Singh, Psychiatrist and the medicines prescribed were Lithosun SR, Tolaz and Lezon etc. All the medicines are for schizophrenic patient. Even allegra was also given. No external or internal injury was found but when the daughter of the informant started gasping in Sri Ram Nursing



Home, the informant and his family members took her to PMCH where she died on 13.08.2016. It appears that on account of schizophrenia and other complications the daughter of the informant died.

Considering the facts aforesaid, the petitioners above named, in the event of their 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in Mahila P.S. Case No. 47 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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