

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15716 of 2017

Arising Out of PS.Case No. -175 Year- 2016 Thana -GHANSHYAMPUR District- DARBHANGA
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1. Bhagwandutt Sharma, s/o Bhudutt Sharma,
2. Dana Devi, w/o Bhagwandutt Sharma, R/V- Goi Mishra Lagma, P.S.
Ghanshyampur, Dist.- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 23-06-2017

Heard learned counsel for the Petitioners and the
State.

The Petitioners apprehend their arrest in
Ghanshyampur P.S. Case No.175 of 2016 instituted for the
offence under Section(s) 304-B/34 Indian Penal Code.

It has been submitted that the petitioners are
parents-in-law.

As per written report, daughter of the informant was
married with Kedar Sharma in the year 2015. She was tortured
for demand of dowry. Petitioner No.1 informed the informant
that his daughter has died due to electric current. The informant
reached the place of occurrence and found his daughter dead due
to burn injuries. Smell of kerosene oil was coming from the body.

Case diary has been received. The doctor has



mentioned in the Post Mortem Report that he found 100% burn injuries over surface area of the body and cause of death was due to dehydration and shock as a result of the burn injuries.

In this manner, petitioner No.1, who is the father-in-law of the deceased, sent wrong information to the informant that his daughter has died due to electric current, whereas, the deceased died due to burn injuries.

In view of such, this Court is not inclined to extend the privilege of anticipatory bail to petitioner No.1 (Bhagwandutt Sharma).

Prayer of the petitioner No.1 for grant of anticipatory bail is **rejected**. He may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far as petitioner No.2, Dana Devi, is concerned, there is no allegation of any specific overt act against her.

In the facts and circumstances of the case, prayer of the petitioner No.2, Dana Devi, for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No.2, named above, within six weeks from today in connection with Ghanshyampur P.S. Case No.175 of 2016, she shall be released



on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st class, Biraul, Darbhanga, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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