

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32271 of 2017

Arising Out of PS.Case No. -169 Year- 2017 Thana -PHULWARI District- PATNA

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Sanjay Kumar Son of Late Haridwar Sharma, Resident of Village- Taret,
P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dimpal Devi @ Dimpal Kumari, W/o Mritunjay Kumar, Resident of
Village- Gajachak Mahmadvpur, P.S.- Janipur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Sri Nand Kishore Pd, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 09-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The present petition has been filed by the petitioner for
cancellation of anticipatory bail granted to opposite party no. 2,
namely, Dimpal Devi @ Dimpal Kumari vide order dated
05.02.2017 in Cr. Misc. no. 22571 of 2017 arising out of 169 of
2017 instituted for the offences under Sections 304B, 201 and 34
of the Indian Penal Code.

Petitioner is the informant of this case. It has been
alleged by the petitioner that marriage of his daughter was
solemnized with Promod Kumar in the year 2011 according to
Hindu customs and rites. His daughter used to live in Rajasthan



with her husband and only on 23.01.2017 when the alleged offence was committed both his son-in-law and daughter came to Patna. It has further been alleged by the informant that on the same day his son-in-law Promod Kumar threatened him on phone that he (petitioner) could take away his daughter otherwise he will kill his daughter. On hearing the threatening, petitioner came to the matrimonial house of his daughter and tried to meet her but all the family members of his son-in-law including opposite party no. 2 did not permit him to meet her. Thereafter, they sprinkled kerosene oil on the body of his victim daughter and burnt her to death.

It has been submitted on behalf of the petitioner that grant of anticipatory bail to opposite party no. 2 is sought to be cancelled on the ground that during investigation the police has found the case against opposite party no. 2 to be true. It has further been submitted that there has been no separation in the family of the deceased and opposite party no. 2 and they reside in the same place. It has further been submitted that informant was not present at the time of cremation and wrong statement was made that informant was present at the place of cremation and on these grounds bail granted to opposite party no. 2 is sought to be cancelled.



After hearing learned counsel for the petitioner and in view of the fact that the deceased had accompanied her husband, resided in Rajasthan, came to her resident on the fateful day, died in a mysterious circumstances, the allegation of threatening is against the husband by the informant and there is general allegation of demand of dowry against all the accused, I am not inclined to cancel the anticipatory bail granted to opposite party no. 2 in Cr. Misc. no. 22511 of 2017 dated 05.06.2017 and the present petition filed by the informant-petitioner for cancellation of bail is dismissed.

(S. Kumar, J)

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