

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18179 of 2017

Arising Out of PS.Case No. -74 Year- 2015 Thana -GADHPURA District- BEGUSARAI

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1. Kanchan Kumari, W/o Saroj Kumar,
2. Saroj Kumar, S/o Deo Nandan Singh, Both resident of Village- Korai,
P.S.- Garhpura, District- Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Akbar Ali, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-05-2017 Learned counsel for the petitioners submits that

petitioner no. 2 Saroj Kumar has already been arrested.

Accordingly, prayer for anticipatory bail on behalf of

petitioner no. 2 is dismissed as has become infructuous.

The petitioner no. 1 Kanchan Kumari apprehends her

arrest in Garhpura P.S. Case No. 74 of 2015, registered for the

offences punishable under Sections 498(A), 304(B) and 201 of the

Indian Penal Code and under Section 4 of the Dowry Prohibition

Act.

The mother of the deceased filed complaint case on the

basis of which the present FIR was registered. The informant

named the petitioner along with other accused persons and alleged

that all the accused persons subjected her daughter to different



sorts of torture and killed her.

Learned counsel for the petitioner submits that police after investigation found the case false and accordingly submitted final form but, the court below took cognizance against the petitioners and others. It is further submitted that the petitioner is married sister-in-law of the deceased. The petitioner is living in her Sasural and she has nothing to do with the deceased and her husband. The deceased died due to cancer and she was under treatment of a doctor.

On the other hand, learned counsel for the informant as well as learned APP opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner is sister-in-law of the deceased and there is allegation against her also.

It appears from perusal of the FIR that no specific allegation of torture and demand of dowry is made against the petitioner. The petitioner admittedly is the married sister-in-law of the deceased. The petitioner is living in her Sasural. The police after investigation found the case false against the petitioner and other accused persons and accordingly submitted final form but, the court below took cognizance.

Considering the facts aforesaid and the fact that the petitioner is sister-in-law of the deceased, the petitioner no. 1



Kanchan Kumari, 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 the learned Additional Chief Judicial Magistrate-IVth, Begusarai in Garhpura P.S. Case No. 74 of 2015, 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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