

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58106 of 2017

Arising Out of PS.Case No. -22 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. Rinku Devi W/o Shri Haridwar Sah, R/o Village- Sonbarsa, P.S.- Buxar
(I), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mahesh Sah S/o Sri Jagnarayan Sah, R/o Village- Tiwaripur, P.S.- Buxar
(I), District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Bihari Sinha

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 03-01-2018

Heard both sides.

The petitioner apprehends her arrest in Buxar Industrial P.S. case No. 22 of 2016 for the offences punishable under Section 304B, 201, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that prayer of petitioner for anticipatory bail was earlier rejected by this court vide order dated 15.07.2016 passed in Cr. Misc. No. 17189 of 2016 but during the investigation the victim, Mamta Kumari, was recovered and she made her statement under Section 164 of the Cr. P. C. The police after completion of the investigation submitted charge sheet under Section 498A and other Sections of the IPC but the learned Chief Judicial Magistrate



took cognizance under Section 376, 120B, 498A and other Sections of the IPC. It is further submitted that petitioner is sister-in-law (Gotni) of Mamta Kumari. Mamta Kumari was married to Chitranjan Sah. From perusal of the statement of Mamta Kumari recorded under Section 164 of the Cr. P. C. (Annexure-3), it would appear that she did not make any sorts of allegation against the petitioner. The prayer for anticipatory bail of the petitioner was rejected on the ground that victim was traceless and brother of the victim made allegation against the petitioner and others that they killed the victim and disposed of her dead body but the entire allegation was found incorrect. The victim has already recovered. Of course, the victim made allegation against her husband about torture for non fulfillment of demand of dowry but she did not make any allegation against the petitioner.

It appears that earlier the informant, brother of the victim, Mamta Kumari, lodged the case under Section 304B and other sections of the IPC for killing his sister but during the pendency of investigation the victim was recovered. She made her statement under Section 164 of the Cr. P. C. but she did not make any allegation of demand of dowry and torture against the petitioner.



Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner above named in the event of her arrest or surrender before the learned 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 learned Sub divisional Judicial Magistrate, Buxar in connection with Buxar Industrial P.S. case No.22 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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