

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8282 of 2019

Arising Out of PS. Case No.-54 Year-2016 Thana- BHAGWANPUR District- Vaishali

Sumitra Devi, Female, aged about 67 years, Wife of Meghnath Singh,
Resident of Village- Asoi Lachiram, P.S. Bhagwanpur, District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashid Izhar, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner, being the mother of the husband of the victim is apprehending arrest in a case registered for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Vikash Kumar submitted to the S.H.O., Bhagwanpur P.S. is to the effect that on 24.06.2012, the sister of the informant, Nilu Kumari was married with the son of the petitioner, Manjay Kumar Singh. Subsequently, they were blessed with a female child. Thereafter, further dowry demand of a car was made. Though Rs. 2 lacs was given by the informant side to the husband of the victim but they insisted for supply of a car, and



due to non-fulfillment of the same, torture was inflicted upon the sister of the informant. It is further alleged that on 23.03.2016, the informant received an information that his sister has been killed by in-law family members including the petitioner. Thereafter, the informant went to in-law's house of his sister and found that the house was locked. On search being made, the informant came to know that some persons were trying to burn the dead body in a ditch under the Asoi Canal, whereupon the informant went there and on seeing the informant, all the accused persons escaped from the scene and thereafter the dead body was seized.

It is submitted by learned counsel for the petitioner that the informant during the trial of other co-accused persons has accepted that his sister died due to illness and also admitted that no further dowry demand was made by in-law family members of his sister. It is further submitted that considering the same, the husband of the victim, Manjay Kumar @ Majay Kumar Singh has been granted regular bail by co-ordinate Bench of the Court vide order dated 05.09.2018, passed in Cr. Misc. No.53116 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP for the State submits that the petitioner is named in the FIR.

Considering the fact that the trial of other co-accused persons is going on but the petitioner does not appear during the trial, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, keeping in view of the fact that the thrust of accusation is against the husband of the victim, who has been granted bail by co-ordinate Bench of this Court and the petitioner being a lady, let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks, in connection with **Bhagwanpur P.S. Case No.54 of 2016**, pending in the Court of learned **Additional District and Sessions Judge-III-cum-Special Judge, Vaishali at Hajipur**.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Deepak/-

U		T	
---	--	---	--

