

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22818 of 2019

Arising Out of PS. Case No.-422 Year-2018 Thana- BANIAPUR District- Saran

1. Dileep Sharma, S/o Sri Tarkeshwar Sharma, R/o Village- Kateya, P.S.- Janta Bazar, District- Saran.
2. Ambey Kumar Sharma @ Ambey Sharma, S/o Sri Tarkeshwar Sharma R/o Village- Kateya, P.S.- Janta Bazar, District- Saran.
3. Basmati Devi @ Basmati Sharma, Wife of Sri Tarkeshwar Sharma, R/o Village- Kateya, P.S.- Janta Bazar, District- Saran.
4. Tarkeshwar Sharma, S/o Late Rambhakti Sharma, R/o Village- Kateya, P.S.- Janta Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 07-08-2019 This is an application for grant of anticipatory bail in connection with Baniapur P.S. Case No. 422 of 2018, disclosing offences under Sections 341, 323, 307, 498A, 504, 34 and 304B of IPC.

F.I.R. disclosed an allegation that the daughter of the informant was married with accused Arun Sharma in the year 2000, who is son of petitioners no.3 and 4, but after marriage, he wants to marry with another lady and for that, she was subjecting to torture and harassment. He tried to settle the matter but they did not agree and ousted her from the house. Thereafter, she came to his house and started residing there. It



has also been stated that the accused persons came to his house and asked to his daughter to go with her husband to Delhi and thereafter, he allowed her to go, but later on, police has informed that his daughter was admitted in State Mental Hospital, Sendry, Bilaspur (Chhatisgarh) where they went and found that there is injury over her head and she was mentally sick and she was brought to the house. Further, allegation is that the accused persons including the petitioners under a conspiracy in order to torture assaulted her and threatened her to get her husband married with some other lady and she had been admitted in the Mental Asylum.

Submission of the learned counsel for the petitioners is that as a matter of fact, she is suffering from mental sickness and she was taken by the informant and others from where she fled away and found in the Mental Asylum and thereafter, the present case has been lodged with an ulterior motive against the petitioners.

Heard learned A.P.P. also, who has opposed the prayer for anticipatory bail on the ground that informant and other persons have supported the prosecution case that she was subjected to cruelty and admitted in a mental Asylum and Baniapur Police has informed the informant and his family



members from where she was brought to the house of the informant, where she died.

Having heard both sides, considering the above submissions, so far as, petitioners no.1 & 2, being Devar, are concerned, let they, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned A.C.J.M. XI, Sarant at Chapra, in connection with Baniapur P.S. Case No. 422 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

So far as, petitioners no. 3 and 4, being father-in-law and mother-in-law, are concerned, I am not inclined to grant privilege of anticipatory bail to them.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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