

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37379 of 2019**

Arising Out of PS. Case No.-21 Year-2019 Thana- SIDHWALIYA District-
Gopalganj

- =====
1. MAHENDRA SHARMA, aged about 55 years, male, S/O Late Shivpujan Sharma Residence of Village- Sher, P.S.- Sidhwalia, District- Gopalganj.
 2. Lilawati Devi, aged about 50 years, female, W/O of Mahendra Sharma Residence of Village- Sher, P.S.- Sidhwalia, District- Gopalganj.
 3. Rubi Kumari, aged about 21 years, female, D/O Mahendra Sharma Residence of Village- Sher, P.S.- Sidhwalia, District- Gopalganj.
 4. Sonu sharma, aged about 20 years, male, S/O Mahendra Sharma Residence of Village- Sher, P.S.- Sidhwalia, District- Gopalganj.
 5. Ram Sevak Sharma, aged about 45 years, male, S/o Nathuni Sharma Residence of Village- Sher, P.S.- Sidhwalia, District- Gopalganj.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Ravita Devi D/O Raja Ram Sharma Residence of Village- Sher, P.S.- Sidhwalia, District- Gopalganj.

... .. Opposite Parties

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Appearance :

For the Petitioners : Mr. Javed Aslam, Advocate.

For the Opposite Parties: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 20-06-2019 Learned counsel for the petitioner states that the petitioner no. 5 has been arrested and as such the anticipatory bail petition has become infructuous and seeks permission to withdraw the same.

2. Permission is accorded. The anticipatory bail petition of petitioner no. 5 stands dismissed as withdrawn.

3. Heard learned counsel for the petitioners and learned APP for the State.

4. The petitioner nos. 1 to 4 apprehend their arrest for the offences alleged under Sections 341, 323, 307, 498A, 504,



506/34 of the Indian Penal Code and Section 34 of Dowry Prohibition Act registered in connection with Sidhwalia P.S. Case No. 21 of 2019.

5. It is submitted that the petitioner nos. 1 to 4 have been falsely implicated merely because they happen to be the various in-laws of the informant. The accusation against the petitioners are general and omnibus in nature except with regard to the informant's mother-in-law, petitioner no. 2 is said to have sprinkled boiling oil on the informant's body as a result of which she sustained one injury on her chest, stomach and right arm. It is submitted that the informant was married about four years ago and this is the first complaint of its nature against the petitioners. The petitioner nos. 3 and 4 claims clean antecedents while petitioner nos. 1, 2 and 5 are accused in some cases of different nature.

6. Be that as it may, in the event of the petitioner nos. 1 to 4's arrest or surrender before the court below within six weeks hereof, let the above named petitioner no. 2 be released on provisional bail and the above named petitioner nos. 1, 3 and 4 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gopalganj in connection with Sidhwalia P.S. Case No. 21 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioner nos. 1 to 4 herein.

(ii) That the petitioner nos. 1 to 4 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 1 to 4 shall cooperate with the investigation, if not already concluded, and make themselves



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner nos. 1 to 4 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bond shall be liable to be cancelled by the learned Court concerned.

7. The provisional bail granted to the petitioner no. 2 shall be confirmed upon verification by the learned Court below from the injury report of the informant, if any, that she has not sustained severe burn injuries as claimed, otherwise the provisional anticipatory bail of petitioner no. 2 shall stand automatically cancelled.

(Vikash Jain, J)

Ibrar/Chandran

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