

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54127 of 2018

Arising Out of PS. Case No.-475 Year-2017 Thana- WAJIRGANJ District- Gaya

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1. Anita Devi @ Anita Kumari, D/o Sukhdeo Sharma,
 2. Chinta Devi, W/o Sukhdeo Sharma,
 3. Soni Kumari, D/o Sukhdeo Sharma,
 4. Sukhdeo Sharma, S/o Late Badhan Sharma, All R/o Vill.- Karisowa, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neerad Parashar

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners, being sisters and parents of the husband of the victim are apprehending arrest in a case registered for the offences punishable under Sections 498(A), 304(B), 201 and 34 of the IPC.

The prosecution case, as per the written report of Dhananjay Kumar dated 10.10.2017 submitted to the Station House Officer, Wazirganj Police Station, is to the effect that the marriage of the informant's sister Suman Devi was performed with Suraj Sharma in the year 2012. Thereafter, they were blessed with two children. Subsequently, she was being tortured by in-laws family members for fulfillment of further dowry. On



09.10.2017 at 7.00 P.M., the informant received information that his sister is dead as she has committed suicide. On 10.10.2017 the informant went to in-laws house of his sister and he suspected that his sister has been killed by in-laws family members.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against all in-laws family members and they were separate from the husband of the victim. It is further submitted that the husband of the victim has been granted regular bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 30736 of 2018, whereas the brother of the husband, Mohan Sharma has also been granted anticipatory bail vide Cr. Misc. No. 66800 of 2018 by a co-ordinate Bench of this Court. It is further submitted that in fact the marriage was performed in the year 2009 and the victim died after nine years i.e., in the year 2017. Hence, offence under Section 304(B) of the IPC is not made out. There is no eye witness of the occurrence.

Learned APP after going through the case diary submits that all the all the accused persons killed the victim.

Considering the fact that the thrust of accusation is against the husband of the victim, who has been granted regular



bail and similarly situated co-accused has also been granted anticipatory bail by a co-ordinate Benches of this Court, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned **ACJM-Ist, Gaya** in connection with **Wazirganj P.S. Case No. 475 of 2017** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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