

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67445 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- UPHARA District- Aurangabad

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1. Satyendra Sharma @ Satyendra Kumar, Son of Late Ranjan Sharma
 2. Babita Devi, Wife of Satyendra Sharma @ Satyendra Kumar
Both Resident of Village - Aidary, P.S.- Uphara, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary, Adv.
Mr. Dhananjay Kumar, Adv.
For the Opposite Party/s : Mrs.Anita Kumari, APP
For the Informant : Mr. A.K. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are the younger brother of the husband of the deceased and the wife of younger brother who have been made accused in connection with Uphara P.S. Case No.33 of 2019 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that considering the socio-legal aspect of the matter this may well be appreciated that these petitioners who are living separately in mess and business and in their own share being no role to play in the matrimonial dispute, if any, between the deceased and her



husband. It is his submission that in the FIR there is in fact no specific allegation of participation of these petitioners either in the matter of demand of dowry or in the alleged death of the daughter of the informant. It is his submission that on complete reading of the FIR it would appear that the thrust of the allegations are against son-in-law though by making general and omnibus allegations all the family members have been implicated in this case.

Learned APP for the informant has appeared and opposed the prayer for anticipatory bail of these petitioners as according to him these petitioners are named in the FIR and now process under Section 82 Cr.P.C. has been taken out against them.

Having heard learned counsel for the petitioners and learned counsel for the informant as also on perusal of the records and the materials collected in course of investigation, this Court finds that the submission of learned counsel for the petitioners that these petitioners are living separately in mess and business, they have no role to play in day to day affairs and matrimonial issues between the deceased and her husband, the thrust of the allegations are against the husband of the deceased and in course of investigation no material has come to connect



these petitioners showing their active participation in the matter of demand of dowry and that the process under Section 82 Cr.P.C. has been issued only during this period when the petitioners are seeking their statutory remedies in accordance with law and even process under Section 83 has not been taken out as on date and have not been exhausted, this Court directs that in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners shall be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Uphara P.S. Case No.33 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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