

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8201 of 2020

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

=====

LALITA DEVI Wife of Late Ram Janam Sharma Resident of Village -
Airdary, P.S.- Uphara, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner, the learned counsel for the informant and the learned APP appearing for the State, Shri Anuj Kumar Shrivastava.

The petitioner apprehends her arrest in connection with Uphara P.S. Case No. 33 of 2019, for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

The allegation is regarding the marriage of the daughter of the informant having been solemnized on 29.04.2017 with one Surendra Sharma according to Hindu rites and rituals, whereafter the daughter of the informant is alleged



to have been assaulted from time to time on account of non-fulfilment of demand for dowry and subsequently the informant received information that the daughter of the informant is ill, whereafter the informant is stated to have gone to the in-laws' place of his daughter and there he came to know that the dead body of the daughter of the informant was being cremated near the river. It is alleged that the police had then recovered half burnt dead body of the daughter of the informant and the accused persons had killed her on account of non-fulfilment of demand for dowry.

The learned counsel for the petitioner has submitted that the petitioner is mother-in-law of the deceased victim lady, has been living separately along with his younger son, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the husband of the deceased victim lady is already behind bars, hence no prejudice would be caused in case the privilege of anticipatory bail is granted to the writ petitioner.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned



counsel for the petitioner as also taking into account the fact that the petitioner is the mother-in-law of the deceased victim lady and the husband is in custody, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Uphara P.S. Case No. 33 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

It is needless to state that before granting privilege of anticipatory bail to the petitioner herein, the learned court below shall verify as to whether the husband of the deceased victim lady is in custody or not.

(Mohit Kumar Shah, J)

Tiwary/-

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

