

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11988 of 2020

Arising Out of PS. Case No.-195 Year-2018 Thana- BHAGWANPUR District- Vaishali

1. SANJAY SHARMA Son of Late Bishwanath Sharma Resident of Salahpur, P.S.- Lalganj, Distt - Vaishali.
2. Punam Devi Wife of Sanjay Sharma Resident of Salahpur, P.S.- Lalganj, Distt - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Prasad Singh, Adv.

For the Opposite Party/s : Mr.Ansar Ul Haque, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-06-2020 Heard learned counsel for the petitioners and learned APP for the State, through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bhagwanpur P.S. Case No. 195 of 2018 registered under sections 304 B, 201 and 34 of the Indian Penal Code.

As per allegation in the FIR, the daughter of the informant was married to the nephew (sister's son) of the petitioner no. 1 on 31.05.2017. It is stated that dowry was given at the time of marriage but soon thereafter torture started along with other demand of dowry. It is further stated that these petitioners who happen to be the maternal uncle and aunt (mama



and mami) of the son-in-law of the informant are stated to have instigated the in-laws of the deceased for making demand of Rs. 3,00,000/- by way of dowry.

It is submitted by learned counsel for the petitioners that the petitioners are maternal uncle and aunt of the husband of the deceased. The allegations in the FIR are false and concocted. Even otherwise allegations against the petitioners are of instigating the in-laws for demand and not of making the demand themselves. It is further submitted that there is unexplained delay in lodging of the FIR. While the occurrence is stated to have taken place on 18.09.2018, information was given to the police station and FIR was registered on 15.11.2018. It is finally submitted that the mother-in-law and father-in-law of the deceased have been enlarged on anticipatory bail vide order dated 06.03.2020 passed in Cr. Misc. No. 62976 of 2019.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case especially the delay in lodging of the FIR, the relationship of the petitioners with the deceased and the nature of allegations against them, this Court is



inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Bhagwanpur P.S. Case no. 195 of 2018, they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Vaishali at Hajipur subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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