

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10585 of 2020

Arising Out of PS. Case No.-1202 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. RAM BALLAV SINGH @ BABBAN SHARMA @ RAM BALLABH SHARMA @ BABAN SHARMA @ BABN SHARMA S/o Late Kamta Prasad Singh R/o village- Gudar, P.S.- Guraru, District- Gaya, presently residing at 253, A.P. Colony, P.S.- Rampur, District- Gaya
 2. Bimla Devi W/o Ram Ballabh Sharma @ Ram Ballav Singh @ Babban Sharma R/o village- Gudar, P.S.- Guraru, District- Gaya, presently residing at 253, A.P. Colony, P.S.- Rampur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No2
For the Opposite Party/s	:	Mr.Binod Kumar No. 3
For the informant	:	Mr. Lovekush Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-06-2020 Heard learned Counsel for the petitioners, learned Counsel for the complainant and learned Additional Public Prosecutor representing the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 1202 of 2017, arising out of Mahila Police Station Case No. 16 of 2014, in which cognizance has been taken for the offence punishable under Sections 304-B/34 of the Indian Penal Code.

The allegation against the petitioners, as per the protest petition, filed in Mahila Police Station Case No. 16 of



2014, which was converted into a complaint, after differing with the police report and after acceptance of the final form by the learned Magistrate, is that the petitioners are father-in-law and mother-in-law of the daughter (deceased) of the complainant. It is alleged that the petitioners and other accused persons were demanding dowry and due to non-fulfillment of the said demand, tortured the deceased and ultimately killed her by setting her on fire and the deceased died in the hospital during treatment.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and in course of making food, the deceased suffered accidental fire and died in the hospital during treatment, for which U.D. case was lodged by the husband of the deceased on 12.04.2014. He further submits that after investigation, the police submitted final form, not sending the petitioners and others for trial. The final form submitted by the police has already been accepted by the learned Court below, however, before acceptance of the final form, a protest petition was filed by the complainant, which has, now, been converted into complaint and on the basis of the said complaint, the learned Magistrate has taken cognizance against the petitioners and



others.

On the other hand, learned Counsel for the complainant vehemently opposes the prayer for anticipatory bail and submits that the mater was re-investigated by the CID and in the supervision note, it has come to light that the suicidal note of the deceased was not considered by the Investigating Officer. He further submits that the allegation against the petitioners and others have been found to be true in the re-investigation.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the police, after thorough investigation, has submitted final form, not sending the petitioners and other for trial and final form submitted by the Investigating Officer has already been accepted by the learned Court below and further on the basis of protest -cum- complaint case, learned Court below has taken cognizance against the petitioners and others, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Gaya, in connection with Complaint Case No. 1202 of 2017, arising out of Mahila Police Station Case No. 16 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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