

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20471 of 2020

Arising Out of PS. Case No.-45 Year-2007 Thana- KHIJARSARAI District- Gaya

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DIPA BHARTI @ KUMARI DIPA BHARTI W/o Indrajeet Kumar Resident
of Village - Narawat , P.S.- Atri , Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-07-2020 The matter has been taken up in a court proceeding
conducted through virtual mode.

Since, the physical court is not functional, due to
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within the said period,
the office will again place the matter on board.

Heard learned counsel for the petitioner and the State.

The petitioner, being the married sister of the
husband of the victim has renewed his prayer for anticipatory
bail in a case, registered for the offences punishable under



Sections 304B and 201/34 of the IPC.

The prosecution case, as per the written report of Ram Krishna Singh, submitted to the Station House Officer, Khizarsarai Police Station is to the effect that the daughter of the informant, Kintu Kumari was married with the brother of the petitioner, Dharmendra Kumar about five years prior to the registration of the present FIR, but subsequent to the marriage, further dowry demand of Rs. 1 lac was made and due to non-fulfillment of the same, torture was inflicted upon the daughter of the informant by all the accused persons including the petitioner and ultimately on 16.4.2007, the daughter of the informant was killed.

Learned counsel for the petitioner submits that the victim died due to hit-stroke and accusation of demand of dowry after five years of marriage appear to be unreasonable. The husband of the victim has been granted bail by a Co-ordinate bench of this Court, vide order dated 03.02.2010 Passed in Cr. Misc. No. 1609 of 2010.

Learned counsel for the State submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the case was registered in year 2007, when the earlier anticipatory bail application of the



petitioner was rejected in year 2010, whereas the present application, renewing the prayer for anticipatory bail, has been filed in year 2020, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for anticipatory bail of the petitioner, in connection with Khizarsarai P.S. Case No. 45 of 2007, pending in the Court of learned Additional Chief Judicial Magistrate-VI, Gaya is rejected.

However, keeping in view the fact that the thrust of accusation is against the husband of the victim, who has been granted bail, it is a case for consideration of regular bail, if the petitioner surrenders within a period of six weeks before the learned Court below.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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