

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17906 of 2020

Arising Out of PS. Case No.-484 Year-2019 Thana- KATIHAR District- Katihar

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1. Nand Lal Sharma Son of Yogendra Sharma Resident of Village - Repura, P.S.- Saraiya, District- Muzaffarpur
 2. Sumitra Devi Wife of Yogendra Sharma Resident of Village - Repura, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-12-2020 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 Katihar Town P.S. Case No.484 of 2019, registered under sections 304B and 34 of the Indian Penal Code.

As per allegation in the F.I.R., the daughter of the informant was married to Anil Kumar Sharma in the year 2010. It is stated that all the accused persons including the two petitioners herein started torturing the daughter of the informant for non-fulfillment of the demand of dowry of a four wheeled



vehicle. She was beaten up and threatened that she would be killed in case the demand was not met. It is stated that informant received information about the death of his daughter and on reaching her *sasural* saw her dead body.

It is submitted by learned counsel for the petitioners that the petitioners are *dewar* and mother-in-law of the deceased. The allegations as levelled in the F.I.R. besides being general and omnibus in nature are false and incorrect. There has been no demand of dowry. The deceased was residing in Katihar where her husband resides and is in a job. So far as the petitioners are concerned, they are residing in the village in district Muzaffarpur. It is further submitted by learned counsel for the petitioners that in course of investigation some of the independent witnesses whose statements have been recorded have categorically stated that it was the husband of the deceased who murdered his wife at the place where they were living together. The other members of the in-laws had no hand in the occurrence. The petitioners have no criminal antecedent and the father-in-law and the elder brother-in-law of the deceased have been enlarged on regular bail in Cr.Misc. No.77949 of 2019.

The application for bail is opposed by learned APP for the State who submits that the petitioners are named in the



F.I.R. and the instant application is for grant of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with the material that has transpired in course of investigation as referred to by learned counsel for the petitioners, 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 Katihar Town P.S. Case No.484 of 2019, they will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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