

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29869 of 2020

Arising Out of PS. Case No.-397 Year-2019 Thana- SAKRA District- Muzaffarpur

1. SARSWATI DEVI Wife of - Ramchandra Sharma @ Thakur Resident of Village- Harpur Krishna, P.S.- Sakra, District- Muzaffarpur.
2. Dilip Thakur Son of - Ramchandra Sharma @ Thakur Resident of Village- Harpur Krishna, P.S.- Sakra, District- Muzaffarpur.
3. Jugal Kishore Thakur Son of - Ramchandra Sharma @ Thakur Resident of Village- Harpur Krishna, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Mr. Pravin Kumar, Advocates.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the state through video conferencing.

2. Petitioners apprehend their arrest in connection with Sakra PS Case No. 397/2019 registered for the offence punishable under Sections 302/34 of the IPC and subsequently, Section 306 IPC was also added.

3. The allegation, as per First Information Report, is that petitioners along with other accused persons were demanding Rs. 2 Lacs from the deceased and her family members as dowry and due to non fulfillment of the same, the accused persons tortured the daughter of the informant and



killed her.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case with oblique motive. Learned counsel further submits that petitioner no.1 is mother-in-law and petitioners no.2 and 3 are elder brothers-in-law of the deceased. Learned counsel next submits that police, after investigation, submitted final form and did not send the petitioners for trial, however, learned Magistrate differed with the police report and took cognizance against the petitioners under Section 306 of the IPC. It is further submitted that the police, after investigation, submitted charge-sheet only against the husband of the deceased.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that police, after investigation, submitted final form not sending the petitioners for trial, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, petitioners, named above, shall be released on anticipatory bail, in the event of their arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Muzaffarpur in connection with Sakra PS Case No. 397/2019, subject to the conditions as laid down under Section 438(2) CrPC.

7. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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