

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30068 of 2020

Arising Out of PS. Case No.-156 Year-2020 Thana- PALIGANJ District- Patna

1. LALITA DEVI Wife of Shailesh Kumar Resident of Village- Ganiyari, Police Station- Kinjar, District- Arwal.
2. Shailesh Kumar Son of Brajkishor Sharma Resident of Village- Ganiyari, Police Station- Kinjar, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate
For the informant	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-11-2020 Heard Mr. Vikram Deo Singh, learned counsel for the petitioners, Mr. Sanjay Kumar, learned counsel for the informant and Mr. Gauri Shankar Gupta, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Paliganj P.S. Case No. 156 of 2020 registered for the offences punishable under Sections 341, 498A, 380, 506, 34 of the Indian Penal Code 1860 and Section 3 of the Dowry Prohibition Act.

The allegation as per the First Information Report lodged by the victim stating therein that her marriage was



solemnized with Venkatesh Kumar in the year 2007 and out of their wedlock, two children have born. It has further been alleged that, thereafter, the informant was subjected to torture, mentally and physically, by the petitioners and his family members and on 15.03.2020, the informant was assaulted by her husband and was ousted from her matrimonial home. Thereafter, she started living in her parental house and on 19.04.2020 she was admitted in Hospital for treatment where her *Fard-e-beyan* was recorded and ultimately she died on 5.5.2020.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and from perusal of the First Information Report, it would be evident that there is no specific allegation of demand of dowry against the petitioners and only general and omnibus allegation of torturing against all the family members have been levelled. Learned counsel further submits that admittedly from the First Information Report, it would be evident that the informant (since deceased) was assaulted and ousted by her husband and she was admitted in the Hospital where she died and there is no allegation of assault against the petitioners. Learned counsel also submits that petitioner No. 1 is a married sister-in-law (*Nanad*) of the deceased and petitioner No. 2 is her



husband and they have no concern with the family members of the husband of the deceased.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioners along with other co-accused persons used to torture the informant and there is every possibility that after release of bail, the petitioners will influence the witnesses and tamper with the evidence.

Having heard learned counsel for the parties and taking into consideration the materials on record, the fact that there is no specific allegation of assault against the petitioners and the petitioner No. 1 is married sister-in-law (*Nanad*) of the deceased whereas petitioner No. 2 is her husband, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular 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, Danapur, in connection with Paliganj P.S. Case No. 156 of 2020 subject to the condition that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be



cancelled.

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

(Anil Kumar Sinha, J)

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