

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62976 of 2019

Arising Out of PS. Case No.-195 Year-2018 Thana- BHAGWANPUR District- Vaishali

1. Lalti Devi @ Lalita Dobo Son of Lalita Dobo, Wife of Hari Mohan Sharma Resident Village - Kailitand, P.S.- Bhagwanpur, Distt - Vaishali.
2. Hari Mohan Sharma Son of Rupal Sharma Resident Village - Kailitand, P.S.- Bhagwanpur, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Prasad Singh

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 06-03-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bhagwanpur P.S. Case No. 195 of 2018, registered for the offence punishable under sections 304B, 201 and 34 of the Indian Penal Code.

As per allegation in the F.I.R, the daughter of the informant was married to the son of the petitioners herein on 31.5.2017. It is stated that dowry was given at the time of marriage but soon thereafter the torture started along with further demand of dowry. It is further stated that on the birth of



the daughter the accused persons further started to torture the informant's daughter. Ultimately, on 18.9.2018, all the accused persons including the petitioners herein committed murder of his daughter and informed the informant that his daughter has died as a result of illness. He further states that although he saw a black mark on the neck of the deceased daughter, however, the accused persons forcibly cremated the body. It is finally stated that he gave information about the occurrence to the police who continued to state that they were enquiring into the matter but did not take any steps. The villagers were also talking about Panchayati and were dealing the matter and this was the reason for delay in lodging the F.I.R.

It is submitted by learned counsel for the petitioners that the petitioners are mother in law and father in law of the deceased. The allegations in the F.I.R. are false and concocted. It is further submitted that there is no reasonable explanation for the delay in lodging of the F.I.R. The occurrence is stated to have taken place on 18.9.2018 whereas information was given to the police on 4.11.2018 and ultimately the F.I.R. was registered on 15.11.2018. It is further submitted that so far as the husband of the deceased is concerned, he has moved this Court for bail vide Cr.Misc. No.78129 of 2019 and the same is still



pending.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties, in the facts and circumstances of the case especially, the delay in lodging of the F.I.R. together with the relationship of the petitioners with the deceased, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Bhagwanpur P.S. Case No. 195 of 2018 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 A.C.J.M.III, Vaishali at Hajipur subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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