

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30652 of 2020

Arising Out of PS. Case No.-621 Year-2019 Thana- BHAGWAN BAZAR District- Saran

1. BINOD KUMAR S/o Late Tulsi Manjhi Resident of Village-Beldari, P.S.- Daudpur, District-Saran at Chapra. At present residing at village-Brahampur Shyamchak, Masoomganj, P.S-Bhagwan Bazar, District-Saran at Chapra.
2. Shweta Kumari D/o Late Lalan Manjhi Resident of Village-Beldari, P.S.- Daudpur, District-Saran at Chapra. At present residing at village-Brahampur Shyamchak, Masoomganj, P.S-Bhagwan Bazar, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dewendra Narayan Singh, Adv
For the Informant	:	Mr. Yashraj Bardhan, Advocate
For the State	:	Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

6 16-03-2021

Heard learned counsel for the petitioners and learned APP for the State. Learned counsel for the petitioners has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioners apprehend their arrest for the offences alleged under Sections 304B/34 of the Indian Penal Code registered in connection with Bhagwan Bazar P.S. Case No. 621 of 2019.

3. It is submitted that the petitioners have been falsely implicated in connection with alleged killing of the informant's sister, merely because they happen to be the uncle-in-law and unmarried sister-in-law respectively of the deceased. The petitioner no. 1 is alleged to have instigated the deceased's husband to demand Rs. 5.00 lakhs by way of dowry, while there is



no specific accusation against the petitioner no. 2. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and has been heard. Learned counsel for the informant has filed an affidavit, inter alia, stating that an amount of Rs. 2,50,000/- had been paid by the informant's father to the petitioner no. 1 prior to the marriage of the deceased. It is stated that in absence of the deceased's father-in-law who had died about 20 years earlier, it was the petitioner no. 1 whose opinion in family matters prevailed. It is therefore submitted that the petitioner no. 1 was instrumental in the demand for dowry and his participation in the occurrence is writ large. It is further stated that the post mortem report discloses ligature mark and bruises on the upper part of neck, which establishes a case of unnatural death of the informant's sister.

5. Learned counsel for the petitioner has stated that there is no need to file a response to the affidavit of the informant.

6. Learned APP has obtained a copy of the case diary in order to assist this Court, which on request is placed on record.

7. Considering the specific nature of accusation against petitioner no. 1 and the gravity of offence alleged in the backdrop of transfer of an amount of Rs. 2,50,000/- to his account by the informant's father, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1. The anticipatory bail petition as against him stands dismissed.

8. As regards petitioner no. 2, considering that there is no specific accusation against her, the provisional bail granted to the petitioner no. 2 by order dated 01.02.2021 in connection with Bhagwan Bazar P.S. Case No. 621 of 2019 pending in the Court of learned Chief Judicial Magistrate, Saran at Chapra is hereby confirmed.



9. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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