

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5338 of 2021

Arising Out of PS. Case No.-61 Year-2019 Thana- GUTHANI District- Siwan

-
1. DEVENDRA SHARMA @ DHIRENDRA SHARMA Son of - Late Ram Bichari Sharma Resident of Village- Jataur, P.S.- Guthani, District- Siwan.
 2. Virendra Sharma @ Birender Kumar Sharma Son of Late- Ram Bichari Sharma Resident of Village- Jataur, P.S.- Guthani, District- Siwan.
 3. Mamta Devi W/o- Rishi Muni Sharma Resident of Village- Gadwar, P.S.- Guthani, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajeet Singh, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-06-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 498A, 326, 34 of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture upon the daughter of the informant due to non-fulfilment of demand of dowry. On 08.04.2019 at 7 a.m. the accused

persons including the petitioners poured kerosene oil upon the victim, namely, Baby Devi and tried to kill her by burning. She was taken to the Hospital for treatment of burn injuries. Later on, in course of treatment the victim died.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioners No.1 and 2 are Bhaisur and petitioner No.3 is Nanad of the deceased. As per dying declaration of the deceased, the deceased succumbed to the injuries due to accidental fire. Subsequently the informant has also retracted from his earlier statement made in the F.I.R. and he has filed a compromise petition in the court below, which is Annexure P-2 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of

learned C.J.M., Siwan in connection with Guthani P.S. case No.61 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--