

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29722 of 2021

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

1. ARUN SHARMA @ ARUN KUMAR SINGH Son of Vindeshwari Singh
Resident of Village - Fatehpur, P.S.- Paliganj, Distt.- Patna.
2. CHANDRAWATI DEVI W/o Arun Sharma @ Arun Kumar Singh Resident
of Village - Fatehpur, P.S.- Paliganj, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate.

For the Opposite Party/s : Mr. Raj Kishore Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 21-02-2022 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioners, who are in custody since 21.06.2020,
seek regular bail in connection with Paliganj P.S. Case No. 156
of 2020 for the offence punishable under Sections 341, 498A,
380, 506/34 of the Indian Penal Code and Section 3 of the
Dowry Prohibition Act.

The prosecution case, in brief, is that while the victim
was in hospital she gave her fardbeyan that she was married to



one Venkatesh Kumar in the year 2007 and out of their wedlock, two children were born. Her husband used to torture her mentally and physically along with his family members. On 15.03.2020, the informant was assaulted by her husband and other accused persons and ousted from her matrimonial home. On 19.04.2020, she was admitted in the hospital by her parents where her fardbeyan was recorded and ultimately she died on 05.05.2020.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits no allegation of any assault has been made against the petitioners rather specific allegation of assault is against the husband of the deceased Venkatesh Kumar. There is no eye witness of the occurrence. The very fardbeyan of the deceased is doubtful in absence of any endorsement by the doctor. The deceased died due to her disease and false case has been lodged against the petitioners by her parents. Petitioners are father-in-law and mother-in-law of the deceased. They have clean antecedent and are in custody since 21.06.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.



Considering the aforementioned facts and circumstances of the case, petitioners are father-in-law and mother-in-law of the deceased, nothing has surfaced against them in the case diary, the statement of the victim also does not show that the petitioners used to assault the informant and there is no allegation of any demand of dowry by the petitioners, there is minuscule allegation / evidence against the petitioners in the case diary and they are in custody since 21.06.2020, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Danapur, Patna in connection with Paliganj P.S. Case No. 156 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.



(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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