

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64719 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- THARTHARI District- Nalanda

1. Ramesh Thakur Son Of Bachan Thakur Resident Of Village- Barul, P.S.- Hilsa, District- Nalanda, Bihar- 801302.
2. Sulekha Devi @ Khushbu Devi, Wife Of Ramesh Thakur Resident Of Road No. 8, Changar, Ashok Nagar, Kankarbagh, P.S.- Kankarbagh, District- Patna, Bihar- 800020.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Shekhar
For the Opposite Party/s : Mr. Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioners, learned APP
for the State and no one appears on behalf of the complainant.

The petitioner no.1 is brother-in-law of the husband of the deceased and petitioner no.2 is sister of the husband of the deceased seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 498(A), 304(B), 201 and 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the complainant alleges that his daughter was married with the Rajnish Kumar on 02.02.2017 and at the time of marriage, gifts were given as details in the F.I.R. Thereafter, it is alleged that



after marriage, his daughter was living peacefully, but when he sent his son Chandan for bringing her daughter back, then the petitioners along with other family members started demanding Rs. Two lacs and a motorcycle as dowry and said until the demand is not fulfilled, they will not send the daughter with his brother. It is next alleged that on coming to know about the said fact, the complainant himself went to the house of the petitioners where the same demand was again raised and the complainant was abused and tortured. Thereafter, it is alleged that on request of the complainant, the petitioners sent his daughter with him. It is next alleged that for one year, no one came to take back his daughter to her matrimonial home. Thereafter, the complainant in 2019 gave Rs.80,000/- for a motorcycle and also took his daughter along with him. It is next alleged that in year 2020, the petitioners along with his family members assaulted his daughter and ousted her from her matrimonial home and since then, she was staying with the informant. Thereafter, in the month of Kartik, 2020, the deceased's husband took the deceased back to her matrimonial home with a threatening that if the demand of Rs. One lac is not fulfilled within next 15 days, the complainant will not find his daughter alive. It is next alleged that when the complainant went



to his daughter's house, he came to know from nearby people that the daughter has been killed and her body has been cremated.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that the allegation as alleged in the complaint, also is not coherent rather the allegations are general and omnibus in nature. It is next submitted that the deceased went to her father's home in the month of Kartik, 2020 where she fell ill and her condition was deteriorating. Accordingly, the petitioners along with the complainant brought the deceased to the N.M.C.H. hospital on 15.12.2020 where she was under treatment, but unfortunately could not survive and died on 18.12.2020 at around 10.15 A.M. in the morning. The learned counsel submits that the said fact that she was treated in the hospital and died during the course of treatment manifests from the dead body carrying certificate dated 18.12.2020 and the death certificate dated 02.01.2021 (Annexure-2 series to the anticipatory bail application).

The learned counsel submits that this fact also transpired during the course of investigation and stands recorded in the case diary. The learned counsel next submits that if what



has been alleged is true, then definitely if any untowards occurrence would have taken place leading to death of the deceased, then definitely the N.M.C.H. would have informed the police, but the fact that the deceased was treated at N.M.C.H. and died during the course of treatment and thereafter, her body was released and subsequently, the death certificate was also issued which form part of the investigation has recorded in the case diary. This amply demonstrates the falsity of the allegation as alleged in the complaint. It is next submitted that the complaint stands falsified for the reason that no date has been given with respect to any occurrence committed rather a vague statement has been made. The learned counsel next submits that complainant was well aware of the fact that his daughter was treated at N.M.C.H. and she died during the course of treatment.

The learned Additional Public Prosecutor opposes the anticipatory bail application and submits that though it has been stated in the anticipatory bail application that dead body carrying certificate and death certificate has been issued by N.M.C.H., but it is difficult to verify in absence of the case diary.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Tharthari P. S. Case No.25 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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