

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43535 of 2022

Arising Out of PS. Case No.-388 Year-2021 Thana- ROSERA District- Samastipur

1. Ramesh Sharma, Son of Late Ramotar Sharma, Resident of Village/Mohalla - Chakmahuli, P.S.- Rosera, District - Samastipur, Bihar.
2. Rajiya Devi, Wife of Ramesh Sharma, Resident of Village/Mohalla - Chakmahuli, P.S.- Rosera, District - Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate
Mr.Avinash Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Rosera P.S. Case No. 388 of 2021 registered for
the alleged offences under Sections 498A, 304B, 201/34 of the
Indian Penal Code.

As per prosecution case, daughter of the informant
was married with the son of the petitioners in the year 2018. The
allegation against the petitioners is that they along with other
co-accused persons have been demanding dowry and on non-



fulfillment of their demand, they killed the daughter of the informant by setting her on fire and threw the dead body in a nearby field.

The learned counsel for the petitioners submits that the petitioners are parents-in-law of the deceased and they are innocent and have been falsely implicated in this case. From the FIR, it is clear that there is allegation against the co-accused husband of the deceased and there is no specific allegation against the petitioners who are old age persons. The deceased committed suicide by setting herself on fire while her husband was away. Learned counsel further submits that the petitioners along with their second minor son reside in Assam for their livelihood. The petitioners never demanded any dowry rather the petitioners gifted a number of gold jewellery to the deceased as per customs. After April 2020, the husband of the deceased and the petitioners have been living separately and the alleged date of occurrence petitioner no.1 was treated by doctor at Dibrugarh. Charge-sheet has been submitted in this case and the petitioners are in custody since 06.03.2022. Petitioners are having clean antecedent.

Learned APP opposes the prayer for bail submitting that the post-mortem report shows death has been caused due to



cardiopulmonary arrest due to burn injuries. The recovery of dead body was made from a field and this fact is clear from the inquest report.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners are stated to be the parents-in-law of the deceased and allegations against them are general and omnibus and further considering the clean antecedent of the petitioner along with their period of custody and submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of Court of learned Additional Chief Judicial Magistrate, 1st, Rosera at Samastipur in connection with Rosera P.S. Case No. 388 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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