

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82260 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- SANGRAMPUR District- Munger

1. Nilu Kumari @ Nilu Singh W/O Mithlesh Kumar Singh @ Mithlesh Singh Village- Nowgain, Ps. Sangrampur, Dist. Munger.
2. Gunjan Singh @ Guddu @ Gunjan Kumar Singh @ Gungan Singh S/O Late Ramavatar Singh Village- Nowgain, Ps. Sangrampur, Dist. Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Roushan, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Sangrampur P.S. Case No. 160 of 2023 dated 01.06.2023 registered for the offence punishable under Sections 304B read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioners are alleged to have committed murder of the informant's sister



due to non-fulfillment of demand a motorcycle and a golden chain as dowry under conspiracy. It is further alleged that the petitioner no.2 (husband of the deceased) has illicit relationship with the petitioner no.1-Nilu Kumari.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is general and omnibus allegation against the petitioner1- Nilu Kumari. It is further submitted that the petitioners neither demanded any dowry nor tortured the informant's sister. Learned counsel has further submitted that from bare perusal of the F.I.R., it appears that no where it is stated that the informant saw any injury on the body of the deceased. It is further submitted that the deceased died of illness. Learned counsel has further submitted that petitioner no.1-Nilu Kumari and the petitioner no.2, the husband of the deceased, are living separately in mesh. Thus, the allegation of illicit relationship between *bhabhi* and husband of the deceased is super addition and absolutely false. Learned counsel has further submitted that the petitioner no.1 is the sister-in-law (*Jethani*) and the petitioner no.2 is the husband of the



deceased and the petitioner no.1-Nilu Kumari has no concern with the alleged offence. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner no.1 namely, Nilu Kumari, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, J.M. 1st Class, Munger in connection with Sangrampur P.S. Case No. 160 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed with regard to the petitioner no.1 namely, Nilu Kumari.

9. So far as, the petitioner no.2 namely, Gunjan Singh is concerned, considering the heinous nature of allegation made against him in the F.I.R., I am of the view that no case for grant of anticipatory bail is made out and



the same is disposed of with direction to the petitioner no.2
namely, Gunjan Singh to surrender before the concerned
Court below within eight weeks from the date of this order
and the learned Court below will consider his prayer for
regular bail in accordance with law without being
prejudiced by this order.

10. Accordingly, the application regarding
petitioner no.2 namely, Gunjan Singh stands disposed of.

(Chandra Prakash Singh, J)

Nilmani/-

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