

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18468 of 2024

Arising Out of PS. Case No.-31 Year-2004 Thana- ANGARGHAT District- Samastipur

1. Bindeshwar Sharma Son Of Late Brahmdeo Sharma Resident Of Village - Rewari, Police Station - Angarghat, District - Samastipur
2. Sundar Devi Wife Of Jawahar Sharma Resident Of Village - Rewari, Police Station - Angarghat, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Angarghat P.S. Case No. 31 of 2004 dated 24.09.2004 instituted for the offence punishable under Sections 306, 498A/34 of the Indian Penal Code, in which cognizance has been taken under Section 304(B), 498(A) of the Indian Penal Code.

3. The allegation against the petitioners are that they along with other accused persons, used to torture the daughter of the informant (deceased) for additional dowry. On 22.09.2004, after getting information, the informant reached the house of the deceased and found her daughter in burnt condition, and



thereafter she died in the way to the hospital.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 1 is the brother-in-law (devar) of the deceased and the petitioner no. 2 is the cousin mother-in-law (fuferi saas) of the deceased. It is submitted that the F.I.R. has been lodged on 24.09.2004 under Section 306, 498A/34 of the Indian Penal Code. After investigation, the police has submitted final report vide Final Form No. 07 of 2005. Learned counsel for the petitioners submits that accused persons including the petitioners are innocent, but the learned court below has taken cognizance under Section 304(B) and 498(A) of the Indian Penal Code on 08.02.2008. Petitioners received the summons of the learned A.C.J.M.-3, for appearance on 28.11.2023 in G.R. No. 316 of 2004 (Trial No. 308 of 2023). Then the petitioners came to know about the cognizance. It is submitted that the co-accused, namely, Brahmdeo Sharma, father-in-law of the deceased, has died on 08.05.2018. It is submitted that from the perusal of the F.I.R. itself, it is evident that 10 years back marriage was solemnized and at the time of occurrence, deceased Saroj Devi was having three children and there is general and omnibus



allegation against the petitioners, as such, no offence under Section 304(B) of the Indian Penal Code is made out against the petitioners. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Angarghat P.S. Case No. 31 of 2004, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- IIIrd, Dalsinghsarai, District- Samastipur subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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