

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49698 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- SIKANDRA District- Jamui

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1. Kaushalya Devi, aged about 57 years (Female), W/O Nandeshwar Sharma @ Nandeswar Mistri, R/O Village- Ramsagar, P.S- Sikandara, Distt.- Jamui.
 2. Nandeswar Sharma @ Nandeswar Mistri, aged about 63 years (Male), S/O Prabhu Mistri, R/O Village- Ramsagar, P.S- Sikandara, Distt.- Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Amar Prakash, Advocate

For the Opposite Party : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sikandra P.S. Case No. 17 of 2023 dated 22.01.2023 registered for the offences punishable under Sections 304B/34 of the I.P.C.

3. As per the prosecution case, the petitioners and other co-accused persons are alleged to have murdered the informant's daughter due to non-fulfilment of demand of a motorcycle as dowry.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely



implicated in this case. The petitioners have not tortured the informant's daughter. It is further submitted that the petitioner no. 1 is the mother-in-law and the petitioner no. 2 is the father-in-law of the deceased. It is submitted that the deceased was suffering from mental disorder and unfortunately on the alleged date of occurrence, no body was present in the house except the deceased. The petitioners went outside the house for urgent piece of work. It is further submitted that the occurrence took place on 21.01.2023 at 3.00 P.M. but the F.I.R. was lodged on 22.01.2023 at 5.30 P.M. after a delay of 24 hours for which no explanation has been given by the prosecution. It is further submitted that from perusal of the postmortem report, it appears that except ligature mark in upper portion of the neck, no other external injury was found on the dead body and the witnesses have also not supported the prosecution case. The petitioners have no concern with the alleged offence. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners. It is further submitted by learned A.P.P. for the State that from perusal of the postmortem report, it appears that the doctor has found external injuries on



the deceased as “Black ligature mark present in whole upper portion on Neck size ½ “x whole upper portion of Neck. Bruise mark present on the Rt. side of neck below Jaw. Fracture of Neck bone C3, C4 and C5 Neck move freely from left to Rt. and Rt. to left.”

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Jamui in connection with Sikandra P.S. Case No. 17 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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