

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81856 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- SARMERA District- Nalanda

1. Swati Devi @ Swati Kumari, wife of Rajesh Kumar R/o - Dhanuki, P.S - Sarmera, District - Nalanda, at Present Residing - Jasidih, P.S - Dharhara, District – Munger.
2. Neha Devi @ Neha Kumari, D/o Paras Pandit, Wife of Dharmendra Pandit R/o - Dhanuki, P.S - Sarmera, District - Nalanda, at Present Residing - Sugiya PS- Shekhopur Sarai, Dist- Sheikhpura
3. Sagar Kumar, Son of Paras Pandit R/o - Dhanuki, P.S - Sarmera, District – Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Sarmera P.S. Case No. 165 of 2024 registered for the offences punishable under Sections 80(2), 61(2) and 3(5) of the B.N.S. 2024.

3. Marriage of the sister of the informant was solemnized with Ramanuj Kumar on 25.04.2021 as per the Hindu rites and rituals. It is alleged that despite the fact that the marriage was solemnized in the year 2021; since the deceased was issueless, she was being tortured at the hands of all the



accused persons and finally she was done to death. It is further alleged that on 2.08.2024 at about 11:00 PM, the informant received an information that his sister has done to death whereupon the informant and others reached there and found the dead body of his sister.

4. Learned counsel for the petitioner drawing the attention of this Court to the FIR, primarily contended that even as per the narrations made in the FIR, it is evident that the deceased had never been tortured on account of the demand of dowry and, in fact, it is a case of suicide and when the information was given on 02.08.2024, the informant and other family members came there and thereafter cremation was done in front of them, however, on the instigation made by some unscrupulous persons, the present FIR has been instituted. Though, later on, after having realized their mistake, they have filed a petition before the court below and compromised the dispute. It is further contended that the petitioners are none else but the married sister-in-law and brother-in-law having no concern with the day to day affairs of the deceased and her husband. Moreover, the petitioners bear fair antecedent.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the



deceased died within seven years of marriage in abnormal circumstances. Moreover, soon before the death, there is demand of dowry and presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are married sister-in-law and brother-in-law of the deceased, coupled with the delay in lodging of the FIR and the suspected death of suicide, apart from the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 165 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

