

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2837 of 2024

Arising Out of PS. Case No.-130 Year-2022 Thana- MANIGACHI District- Darbhanga

1. Tilai Sharma @ Tilai Thakur Son Of Late Buchchi Sharma Resident Of Village- Mahthaur Police Staton- Manigachhi District- Darbhanga
2. Mira Devi @ Nirmala Devi @ Nimal Devi Wife Of Tilai Sharma @ Tilai Thakur Resident Of Village- Mahthaur Police Staton- Manigachhi District- Darbhanga
3. Premnath Sharma @ Prem Nath Thakur @ Prem Kumar Thakur Son Of Tilai Sharma @ Tilai Thakur Resident Of Village- Mahthaur Police Staton- Manigachhi District- Darbhanga
4. Pappu Sharma @ Pappu Kumar Sharma Son Of Tilai Sharma @ Tilai Thakur Resident Of Village- Mahthaur Police Staton- Manigachhi District- Darbhanga
5. Pankaj Sharma @ Pankaj Kumar @ Pankal Kumar S/O Tilai Sharma @ Tilai Thakur Resident Of Village- Mahthaur Police Staton- Manigachhi District- Darbhanga
6. Guriya Kumari @ Guriya Devi Daughter Of Tilai Sharma @ Tilai Thakur Resident Of Village- Mahthaur Police Staton- Manigachhi District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Manigachhi PS Case No. 130 of 2022 dated 01.07.2022,



instituted under Sections 304 (B) and 34 of the Indian Penal Code.

3. The prosecution case is that the informant's daughter was married with Pramod Sharma in the year 2015 and she was killed by the petitioners and his family members on 4/5.12.2019 on account of non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that the father of the deceased (informant) had firstly lodged Manigachhi UD Case No. 08 of 2019 dated 06.12.2019 regarding the death of his daughter in which he stated that his daughter, Ranju Devi, was married to Pramod Sharma on 09.02.2015. She gave birth to a female child, who is four months old, and since the birth of the girl child, she was not keeping well. On 05.12.2019 at about 9.00 AM when he went to meet his daughter, he found that she was dead and her in-laws were weeping. Lastly, it was stated that she died due to disease. It is further submitted that after one month the complainant/informant filed a complaint case which was sent under Section 156(3) Cr.P.C. and the present FIR has been lodged against the petitioner and his family members. It is further submitted that the police after investigation submitted



final report in the case stating therein that no incriminating material has been found under Section 304-B of the Indian Penal Code against the accused persons and this case was lodged under wrong presumption of law. It is further submitted that the post mortem report shows that no external or internal injury was found on any part of the dead body. Further submission is that the Regional Forensic Science Laboratory, Muzaffarpur, has submitted his report categorically stating that “On post-mortem examination, no injury or disease sufficient to cause death in ordinary cause of nature was found. On the chemical analysis of viscera, no metallic, alkaloidal, pesticidal or volatile poison could be detected in the viscera”, but the Magistrate ignoring the said facts and the materials on record has taken cognizance in routine manner against the petitioner and others. It is further submitted that similarly situated co-accused namely Pramod Sharma @ Pramod Kumar Sharma has been granted bail vide order dated 31.01.2024 by this court passed in Criminal Miscellaneous No. 2979 of 2024. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 5th, Darbhanga, in Manigachhi PS Case No.130 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

Sankalp/-

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