

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41324 of 2025

Arising Out of PS. Case No.-660 Year-2023 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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1. Sanju Kumari @ Pinki Devi W/O Dilip Kumar Sharma
 2. Dilip Kumar Sharma @ Dilip Sharma Son of Baijnath Sharma
Both Residents of village- Yadubans Nagar, Sonaru, P.S.- Fatuha, District- Patna
 3. Manoj Sharma Son of Late Sheo Nandan Mistri Resident of village- Arari,
P.S.- Shahjahanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ayodhya Prasad Son of Late Mauji Mistri Resident of village -
Ekangansarai, P.S.- Ekangansarai, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N A Shamsi, Advocate
For the State : Ms. Asha Devi, APP
For the Opposite Party no.2: Mr. Pankaj Kumar Singh, Advocate
Mr. Ujjwal Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 15-10-2025
1. Heard learned counsel for the parties.
 2. The petitioners in this application pray for bail
apprehending their arrest in connection with Complaint Case
no.660 of 2023 registered for the offence punishable under
sections 498A, 304B and 34 of the Indian Penal Code.
 3. As per the prosecution case, the complainant states



that his daughter was married to one Babloo Kumar as per Hindu rites and customs in May, 2018. It is further stated that in the marriage, gifts worth Rs.7 lacs and a motorcycle had been given. A daughter was born out of the said wedlock. It is stated that his daughter used to inform the complainant about the torture meted out to her for further demand of Rs.3 lacs and a motorcycle once again. She used to state that she would be done to death in case the same was not given. The complainant further states that his daughter was once again in the family way when all the accused persons forcibly administered overdose of a medicine meant for termination of pregnancy resulting in her death on 13.3.2023. As the attempts by the complainant to get the case registered in the police failed, hence the instant complaint. The complainant further states that the body was cremated without getting the post-mortem conducted.

4. Learned counsel appearing for the petitioners submits that the petitioner no.1 happens to be the sister of the husband of the deceased. The petitioner no.2 is the husband of petitioner no.1 and the petitioner no.3 is a cousin of the father-in-law of the deceased. It is further submitted that admittedly there is no eye witness to the alleged occurrence. As per the allegations in the complaint, while the occurrence is said to have



taken place on 13.3.2023, there is no plausible explanation for the delay in lodging of the complaint which was lodged after more than two months on 1.6.2023. With respect to the forcible administering of medicine for termination of pregnancy, learned counsel refers to the certificate issued by the hospital which is brought on record as Annexure-2 to the petition to show that the daughter of the complainant was admitted in the hospital on 11.3.2023 and died on 13.3.2023 as a result of cardio respiratory arrest. The husband of the deceased received the body from the hospital. It is further submitted that so far as the petitioners herein are concerned, they have no concern with the day to day family affairs of the deceased or her husband. They have no criminal antecedent and undertake to cooperate in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the complainant. It is submitted by learned counsel for the complainant that not only the petitioners are named in the FIR but there is allegations against them of having tortured the daughter of the informant and of having done her to death. It is further stated that the body was disposed of without getting the post-mortem examination conducted. There is direct allegations against the petitioners herein and as such, the application for anticipatory bail be



rejected. It is submitted by learned APP appearing for the State that it was as a result of the police authorities not registering the FIR that there was delay in lodging of the instant complaint.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the complaint, the relationship of the petitioners with the deceased, the delay in filing of the complaint, no complaint having been lodged in the past together with the petitioners not having any criminal antecedent, it is directed that all the three petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no.660 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna City, District Patna.

7. It is made clear that all the observations made herein are for the purpose of application for bail and will not prejudice the case of either of the parties in the learned Court below.

(Partha Sarthy, J)

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