

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26565 of 2015

Arising out of PS.Case No. -8 Year- 2015 Thana -KAKO District- JEHANABAD

- 1. Ravindra Gupta, S/o Arjun Prasad.
- 2. Vikash Kumar, S/o Arjun Prasad.
- 3. Manoj Kumar, S/o Arjun Prasad.
- 4. Guddi Devi, Wife of Ravindra Gupta. All are residents of village Kako, Police Station Kako, District Jehanabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Raj Kishor Prasad, Advocate.
For the Opposite Party : Mr. Shakir Ahmad(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2015 Heard learned counsel for the petitioners and learned counsel for the State

The petitioners are apprehending their arrest in connection with Kako P.S. Case No. 08 of 2015 for the offences instituted under Sections 304(B)/34 of the IPC.

The prosecution story, in brief, is that the marriage of the informant's sister Pinki Devi was solemnized with co-accused Sanjay Prasad and while she was at her matrimonial home the petitioners alongwith other co-accused persons are said to have sprinkled kerosene oil over her body and put her on fire and as a result thereof, she became seriously injured and was admitted at

P.M.C.H, Patna, where she succumbed to her injuries after giving her statement before the police. It is further alleged that prior to the present incident, the accused persons used to torture her and also used to assault and ultimately her life was ended on 17.01.2015.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that the petitioner nos. 1 to 3 are the brothers-in-law (Bhaisurs) of the deceased and petitioner no. 4 is the Gotani of the deceased. They are separate in mess and property from the husband of the deceased. The husband of the deceased in custody. It is further submitted that the date of occurrence is said to be 20.12.2014 but the case has been instituted on 17.01.2015. The delay in institution of the F.I.R. has not been explained by the prosecution.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R. It is further submitted that the dying declaration of the deceased is in paragraph no. 3 of the case diary which is dated 26.12.2014 where she has admitted the specific allegation against the petitioners and others who had lighted fire after pouring the kerosene oil on her.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same

is rejected in connection with Kako P.S. Case No. 08 of 2015, pending in the court of the leaned C.J.M., Jehanabad. Anyhow, if the petitioners surrender in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)