

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27033 of 2015**

Arising Out of PS.Case No. -43 Year- 2015 Thana -KALYANPUR District-  
EASTCHAMPARAN(MOTIHARI)

=====

1. Renu Devi Wife of Dhurb Dubey resident of village - Dubey Kathariya,  
P.S. Kalyanpur, District - East Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. P.N.Pandit(App)

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      09-09-2015                      Heard learned counsel for the petitioner and the State.

The petitioner is apprehending her arrest in Kalyanpur P.S.Case No. 43 of 2015 instituted under Section 302 and other allies Sections of the Indian Penal Code, pending in the Court of Sri Dipendra Kumar, Judicial Magistrate, 1<sup>st</sup> Class, Motihari, East Champaran.

The prosecution story, in brief, is that the deceased Mani Devi wife of Sanam Dubey gave her written application in the hospital of Rahmania Medical Centre, Motihari, on 2.2.2015 at 14.30 hours stating therein that in the morning at 9 A.M. she was ill and the petitioner along with co-accused Sanam Dubey (husband of the deceased) told her for doing domestic work but due to illness she did not take response and she told that she is ill

and she unable to do work then after both of them became aggressive and also threw kerosene oil upon her body forcibly and set fire also. Consequently deceased burnt seriously. She further stated that both the said accused took away the deceased and admitted in Rahmania Medical Centre, Motihari and after that they fled away from there and after information deceased's father, mother and brother have came there and they looked after her. The informant during course of her treatment died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is a lady and no specific allegation has been made against her. General and omnibus allegation has been made. Further, it is submitted that it is the petitioner, who had taken the deceased to the hospital for treatment, hence no presumption can be drawn against the petitioner that she had committed the alleged offence.

On behalf of the State, it has been submitted that this is a case under Section 302 of the Indian Penal Code and there is direct allegation against the petitioner for participating in the alleged occurrence.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner and same is rejected.

Any how, if the petitioner surrenders in the court

below within a period of four weeks and prays for regular bail,  
same shall be considered by the court below on its own merit  
without being prejudiced by this order of rejection.

(Sudhir Singh, J)

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