

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41853 of 2014

Arising Out of PS.Case No. -417 Year- 2014 Thana -SAHARSA District- SAHARSA

1. Buchi Devi Wife of Pramod Jha Resident of Village- Muradpur, P.S.-
Nauhatta, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Amitesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 20-03-2015

Heard the learned senior counsel, Mr. Vibhuti Prasad

Pandey on behalf of the petitioner, learned A.P.P. and the learned
counsel appearing on behalf of the informant.

The petitioner, namely, Buchi Devi who apprehends
her arrest in Saharsa P.S. Case No.417 of 2014 under Section
304B/34 of the Indian Penal Code corresponding to G.R. No.1537
of 2014.

The brother of the deceased lodged the F.I.R. alleging
that his sister was married with the co-accused namely, Ravi
Shankar Jha @ Laddu Jha and the deceased was being subjected to
cruelty in connection with demand of dowry. Within seven years
of the marriage, she died unnatural death.

The learned senior counsel appearing on behalf of the

petitioner submitted that the petitioner is the “Phua” of the husband of the deceased i.e. father’s sister and she has not been named in the F.I.R. but subsequently, she has been named. According to the learned counsel, the petitioner has got no role to play either in demanding the dowry or commission of murder of the deceased i.e. the sister of the informant.

On the other hand, the learned counsel appearing on behalf of the informant and the A.P.P. submitted that in fact, subsequently, the son of the deceased aged about seven years, who was eye witness of the occurrence examined under Section 164 Cr.P.C. on 29th of August, 2014, wherein he has directly stated that this petitioner, Buchi Devi who is sister of Baba i.e. grandfather lit the fire by match box on the body of the deceased. The copy of the statement under Section 164 Cr.P.C. was produced before this Court at the time of hearing of this bail application.

In view of this statement of the son of the deceased aged about seven years, I find that this is not a fit case for the grant of anticipatory bail and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

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