

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1867 of 2015

Arising Out of PS.Case No. -171 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

1. Ram Naresh Tanti @ Naresh Tanti son of Late Ram Khelawan Tanti
resident Ratanpur, P.O. Ali Nagar, P.S. Surajgraha, District - Lakhisarai.
..... Petitioner/s

Versus

1. The State of Bihar.
..... Opposite Party/s

with

Criminal Miscellaneous No.7489 of 2015

Arising Out of PS.Case No. -171 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

1. Kari Devi wife of Jagdish Tanti Resident of Village - Katehar, P.S. -
Surajgarha, District - Lakhisarai.
..... Petitioner/s

Versus

1. The State of Bihar.
..... Opposite Party/s

Appearance :

(In Cr.Misc. No.1867 of 2015)

For the Petitioner/s : Mr. Suresh Prasad Singh

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

(In Cr.Misc. No.7489 of 2015)

For the Petitioner/s : Mr. Rabi Bhushan

For the Opposite Party/s : Mr. Pronati Singh (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

5 06-07-2015 Both applications arise out of Surajgarha P.S. Case No. 171
of 2014, as such, they have been heard together with the consent
of the parties and are being disposed of by the present order.

Heard Mr. Suresh Prasad Singh in Cr. Misc. 1867 of 2015
and Mr. S.K. Lal in Cr. Misc. 7489 of 2015 and Mrs. Pronoti
Singh, APP for the State.

Petitioners herein are accuseds of Surajgarha P.S. Case No.
171 of 2014 initially registered under Section 307 IPC but later

302 IPC added. The informant is the victim who, after few weeks of the occurrence, succumbed to the burn injuries. The allegation is that the family members of the husband including the husband caught hold of her and her *Bhainsur* poured kerosene oil and the husband put her on fire. She received serious/grievous burn injuries and ultimately died.

Submission of Mr. Lal is that specific allegation is attributed to *Bhainsur* who is said to have poured kerosene oil and her husband set her on fire. Petitioners are other family members. There are general and omnibus allegations.

Contention of the petitioner of Cr. Misc. 1867 of 2015 is that he is not a family member. He is the *Samadhi* of father-in-law of the deceased against which the allegation is that he wanted to marry his daughter with the husband of the victim who had already two sons.

Learned APP, on going through the case diary, submits that in her re-statement, she has named the accused family members as the persons caught hold of her when one of them poured kerosene oil and the husband put her on fire.

Taking into account the seriousness of allegation, I am not persuaded to grant the privilege of anticipatory bail to petitioner of Cr. Misc. 7489 of 2015, Prayer is, accordingly, rejected.

In so far as petitioner of Cr. Misc. No. 1867 of 2015 is

concerned, considering the fact that he is not a family member and is a distant relative, I am persuaded to grant the privilege of anticipatory bail to him. In the event of arrest or surrender in the Court below within four weeks, the petitioner Ram Naresh Tanti @ Naresh Tanti is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in Surajgarha P.S. Case No. 171 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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