

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47550 of 2014

Arising Out of PS.Case No. -138 Year- 2012 Thana -MUSAHRI District- MUZAFFARPUR

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1. Jhalia Devi @ Phuljharia Devi, Wife of Yogendra Sah
 2. Tuntun Sah, son of Yogendra Sah
 3. Vijay Kumar Gupta @ Mintu Kumar Son of Yogendra Sah
 4. Yogendra Sah Son of Late Maheshi Sah All are resident of village- Chhapra Rupnath, P.S.- Mushahari, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-04-2015

Submission of learned counsel for the petitioners is

that since petitioner no.4 Yogendra Sah has been arrested by the Police, his prayer for anticipatory bail has become infructuous.

In view of the above submission, the application of petitioner no.4 is dismissed as infructuous.

Heard learned counsel for the petitioner nos. 1 to 3 and the learned A.P.P. for the State.

The above named petitioners no. 1 to 3 apprehend their arrest in connection with Mushahari P.S. Case No. 138 of 2012 corresponding to G.R. No. 5205 of 2012 registered under Sections 304(B)/34 of the Indian Penal Code.



The allegation of informant Santosh Kumar is that the marriage of his sister Ranjita Devi was performed with Dhiran Sah. Due to non-fulfillment of demand of Hero Honda motorcycle, his sister was being tortured. On 26.08.2012, he received the information that his sister has been burnt by pouring Kerosene oil on her body in the night. The villagers carried his sister for treatment at the S.K.M.C.H., but his sister died and police recorded his fardbeyan and the post mortem of the deceased of his sister was held.

Learned counsel appearing on behalf of the petitioners submits that petitioner no.1 Jhalia Devi is mother-in-law, petitioners no.2 and 3 are brother-in-law of the deceased. In fact, deceased sustained burn injury at the time of cooking food and she was immediately taken to S.K.M.C.H. for treatment where she died. It is also submitted that the family members of the victim were present in the last ceremony but due to ulterior motive, the complainant filed Complaint Case No. 2698 of 2012 in the Court of C.J.M.

Having considered the facts and circumstances of the case, let the above named petitioners no. 1 to 3 be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond

of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the J.M. Ist Class, Muzaffarpur in connection with Mushahari P.S. Case No. 138 of 2012 corresponding to G.R. No. 5205 of 2012, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J.)

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