

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9321 of 2015

Arising Out of PS.Case No. -327 Year- 2013 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Nageshwar Singh S/o Late Mahendra Singh
2. Nirmala Devi W/o Nageshwar Singh Both resident of village - Jokiyari,
P.S. - Raxaul, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Uday Chand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 30-07-2015 Heard learned counsel for the petitioners and the

State.

In this case, petitioners are seeking bail in Raxaul
P.S.Case No. 327 of 2013 registered under Sections 304B/34 IPC
and 3 / 4 of Dowry Prohibition Act.

The short facts of the case is that ten years earlier
marriage was solemnized between the deceased and Ravinder
Singh. The in-laws were demanding motor-cycle and in the event
of non-fulfillment of the demand threatening for dire
consequences. On 9th November 2013, at about 8:00 P.M. they
gave information on mobile of informant's mother that if motor-
cycle was not give, *Kafan* will be sent and at 1:30 A.M. again
massage was received calling the informant. In the next morning

when the informant along with his *Pattidar* went there, they saw the *Palang* and door of the room was burnt and the articles were found scattered in the courtyard. Later on it transpired that the petitioners and other family members had killed the victim by burning.

Counsel for the petitioners submits that the FIR shows that it was an accidental fire so much so from Par a-5 of the case diary it appears that the victim had caught fire due to accidental fire, otherwise there is no question of burning of cot and door. People tried to save her but failed.

Counsel for the petitioner submits that the husband of the victim is behind the bars since 12th May 2015 and the petitioners are aged father-in-law and mother-in-law.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within six weeks, petitioners, namely, (1) Nageshwar Singh and (2) Nirmala Devi are directed to be released on anticipatory bail on his furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, SDJM, Raxaul at Motihari, East Champaran in Raxaul P.S. Case No. 327 of 2013, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

They will co-opiate with the investigation of the case
and will submit themselves before the Police for interrogation
whenever it is required and, in failure, the court below will be at
liberty to pass appropriate order, including cancel bail bonds.

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(Shivaji Pandey, J)