

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27506 of 2015

Arising Out of PS.Case No. -432 Year- 2014 Thana -DUMRAUN District- BUXAR

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1. Santmira Devi wife of Shivdutt choudhary
2. Jitendra Choudhary s/O Shivdutt Choudhary Both are resident of Village
Purana Bhojpur p.s Dumraon, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 27-07-2015 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners apprehend their arrest for the
offences alleged under Sections 341, 323, 37, 498(A), 504,
506 and 34 of the Indian Penal Code registered in connection
with Dumraon P.S. Case No. 432 of 2014.

3. It is submitted that the petitioners have been
falsely implicated as the deceased informant has committed
suicide by setting herself on fire and died in course of
treatment.

4. A perusal of the fardbeyan of the deceased
informant discloses that there is direct accusation against her



parents-in-law of sprinkling kerosene oil and setting her on fire leading to burn injuries. It has been further stated that her husband (petitioner no. 2) came to her rescue and put out the fire and along with the informant's parents got her admitted in Anarkali hospital for treatment.

5. Considering that there is direct allegation in the FIR against the petitioner no. 1, being the mother-in-law of the informant of setting the deceased on fire, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.1 and her prayer for bail is rejected.

6. However, the petitioner no. 2 (husband), who tried to rescue the informant and helped in getting her admitted to hospital and also in absence of any accusation against him for demand of dowry, in the event of arrest or surrender of petitioner No. 2 Jitendra Choudhary before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 2 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Dumraon P.S.Case No. 432 of 2014 subject to the conditions as laid down under Section 438 (2)

Cr.P.C. and also subject to the following further conditions:

(i) The petitioner no. 2 shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner no. 2 shall remain physically present as and when required during trial and in the event of failure on two consecutive dates, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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