

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42896 of 2014

Arising Out of PS.Case No. -122 Year- 2014 Thana -NANHPUR District- SITAMARHI

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1. Ashok Kumar Sah @ Ashok Sah Son of Surendra Sah
2. Shakuntla Devi Wife of Surendra Sah Both R/o Village Bahera jahidpur,
P.s. Nanpur, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Manoj Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-04-2015 Learned counsel for the petitioners is permitted to
correct the name of husband of petitioner no.2.

Heard learned counsel for the petitioners as well as
learned counsel for the State.

In this application for anticipatory bail the petitioners
apprehend their arrest for the offences punishable under sections
304 (B) and 120 (B) of the I.P.C.

The daughter of the informant was married with Uday
Kumar and due to non fulfillment of demand of motorcycle and
cash of Rs. 50,000/- as also golden chain she was being assaulted
and tortured and ultimately she was burnt and during treatment she
died.



Submission is of false implication and that against the petitioners there is no specific allegation for demanding anything. As a matter of fact, wife of Uday Kumar was preparing tea and during that course fire caught her and then she was admitted in the clinic of Dr. Nirmal Singh where her parents were also present and she was treated there from 21.03.2014 till 11.04.2014 and she has stated regarding the whole occurrence as to how the fire caught her. From the Indoor Treatment Register granted by the Doctor, vide Annexure-2, the innocence of the petitioners revealed. The husband of the deceased has also received burn injury during the time of saving her. Now after realizing the real fact the informant comprised the case and a joint compromise petition has already been filed. During investigation Surendra Sah has been arrested and against him charge sheet has been submitted and his trial was separated and during course of trial out of seven witnesses, four witnesses have already been examined and they had not supported the case of the prosecution and they had said that the deceased died due to the fire caught during preparation of tea in the house., The petitioners, having no concern with the family affairs of the deceased and her husband, deserve sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above,

considering that the petitioners are Dever and mother-in-law and there is no specific allegation against them and as such the petitioners in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. S.D.J.M. Pupari at Sitamarhi in Nanpur P.S. Case No. 122 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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