

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42115 of 2014

Arising Out of PS.Case No. -45 Year- 2014 Thana -AIRPORT District- PATNA

=====

1. Ram Ayodhya Bhagat Son of Late Ambika Bhagat
2. Anita Devi Wife of Satish Kumar
3. Sarswati Devi Wife of Ram Ayodhya Bhagat
All are residents of Shekhpura Mali Tola, P.S. - Hawaii Adda, Dist.-
Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. S.M.Rahman(App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

5 20-05-2015 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioners and Mr. Dayal, APP for the State.

The petitioners herein are father-in-law, sister-in-law (gotni) and mother-in-law respectively of the victim Renu Devi. They are facing accusations punishable under Section 302 of the Indian Penal Code and other minor sections of the Penal Code on the basis of statement made by the victim herself at Rajeshwar Hospital, Patna.

According to the prosecution case, while she was sleeping inside the room with her kids, the petitioners and others entered into the room and separated her from the children and thereafter poured K. Oil and set her on fire. In burnt condition, she

was admitted to hospital where first information report was recorded by her.

Learned Counsel submits that upon conclusion of the investigation, the petitioners were not sent up. The Officer-in-charge who recorded the statement of the victim was put on notice by the Superintendent of Police as on investigation it was found that after having received 95 % burn injury, she could be in a position to make statement. In course of investigation, it has come that Durga Charan (one of the sons of petitioner no. 1) had illicit relation with the lady (deceased) and she was residing separately. Durga Charan was only sent up by the Police. Even one of the daughters who was sleeping with the deceased on the relevant night has not supported the allegation levelled against the petitioners. She has named only the uncle namely Durga Charan. The other accused persons of the case having identical/same allegation have been released on regular bail.

Mr. Dayal, on the other hand, submits that one of the daughter namely Muskan whose statement is recorded in paragraph 13 of the case diary in her statement has narrated the manner in which the occurrence committed. She has specifically named the petitioners.

Be that as it may, considering the seriousness of the

allegations as also the facts evidencing from the record including the impugned order, I am not satisfied that the petitioners deserve the privilege of anticipatory bail. Prayer is accordingly rejected. If the petitioners surrender and pray for regular bail, I am sure, the same shall be considered on its own merit and disposed of in accordance with law uninfluenced by the present order.

(Kishore Kumar Mandal, J)

Pankaj/-

U		T	
---	--	---	--