

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44665 of 2014

Arising Out of PS.Case No. -125 Year- 2014 Thana -MUFFASIL District- AURANGABAD

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1. Kanhaiya Pathak S/o Dwarikanath Pathak resident of Village - Khadiha Tola, Pathak Bigha, P.S. - Aurangabad (M), District - Aurangabad.
 2. Asha Devi W/o Girish Mishra
 3. Girish Mishra @ Girish Mishra S/o Late Vijay Pathak Both are resident of Village - Chaukhra, P.S. - Aurangabad (M), District - Aurangabad.
 4. Dwarika Nath Pathak S/o Late Keshwar Pathak
 5. Suryamukhi Devi W/o Dwarikanath Pathak Both are resident of Village - Khadiha Tola, Pathak Bigha, P.S. - Aurangabad (M), District - Aurangabad.
- Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Rakesh Singh, Advocate.

For the Opposite Party : Mr. Harendra Prasad, (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 24-11-2015 Heard both sides.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 498(A), 201 and 34 of the Indian Penal Code.

The informant alleged that he got information that his sister was burnt by her husband and other in-laws on 31.05.2014. The informant alleged that his sister has come to his house on the occasion of marriage of her cousin Rajendra Pathak and disclosed that her husband and other in-laws were torturing her. The husband took the informant's sister to his house on 30.05.2014.

Learned counsel for the petitioners submits that on 31.05.2014, information was given to the informant that his sister



had got burnt. The deceased was referred to Varanasi for better treatment and she died on 02.06.2014. The inquest report was prepared in presence of the informant in which the husband of the deceased also put his signature. The marriage was solemnized more than eight years ago. Neither the deceased nor her any family member made any complaint about the demand of dowry and torture during last eight years. Nilam Devi got accidental fire. Even during the course of investigation, almost all the witnesses have stated the fact that Nilam Devi got fire while she was cooking food. The petitioners are brothers-in-law, married sister-in-law, husband of married sister-in-law, father-in-law and mother-in-law and they have no manner of concern with the family affairs of the deceased and her husband. The husband is in jail.

Considering the facts aforesaid and the fact that the petitioners are in-laws of the deceased and after five days of the occurrence the case was filed although the informant, brother of the deceased made his signature on the inquest report dated 02.06.2014, the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs.

10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Aurangabad (M) P.S. Case No. 125 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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