

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41187 of 2015

Arising Out of PS.Case No. -173 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Rabindranath Tiwari son of Late Ramnath Tiwari,
2. Ahilya Devi Wife of Rabindranath Tiwari, Both are resident of Village-
Khiriyaaghat, P.S. Bairiya, Dist- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar. null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Anish Chandra(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 10-11-2015 Heard both sides.

The petitioners apprehend their arrest in Bairiya P.S.
Case No. 173/2015, registered for the offences punishable under
Section 304(B) and other Sections of the Indian Penal Code.

Soni Tiwary, the deceased herself made allegation that
her husband abused her, but when she made protest her father-in-
law and mother-in-law exhorted to kill and on such they sprinkled
kerosene oil and set her ablaze. On alarm, many persons came and
extinguished the fire.

Learned counsel for the petitioners submits that the
victim was married with Om Prakash Tiwary on 12th May, 2007.
The marriage was solemnized before eight years of the occurrence.

There is no application of 304B of the Indian Penal Code.

It is submitted that the petitioners are father-in-law and mother-in-law of the deceased. They were not even present in their house and witnesses in para 78 of the case-diary stated that the petitioners were not in their house at the time of occurrence, but from perusal of the records, it appears that the victim herself made statement before her death making specific allegation that her husband, father-in-law and mother-in-law sprinkled kerosene oil and set her ablaze. The victim died due to burn injuries.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

The petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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