

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51753 of 2015

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1. Sri Niwas Tiwari @ Tuntun Tiwari @ Tunnu Tiwari S/o Late Shahdeo
Tiwari Resident of Village- Khap Misrauli, P.S.- Nautan, Dist- Siwan

2. Musmat Phulpatti Kuar @ Phul Matti Devi @ Most. Kulpati Kuar W/o
late Shahdeo Tiwari

3. Samiksha Kumari D/o Sri Niwas Tiwari
All resident of Village- Khap Misrauli P.S.- Nautan Dist- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Devanand Tiwari

For the Opposite Party/s : Mr. Akbar Ali (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-12-2015 Heard both sides.

The petitioners, namely, Sri Niwas Tiwari @ Tuntun
Tiwari @ Tunnu Tiwari, Musmat Phulpatti Kuar @ Phul Matti
Devi @ Most. Kulpati Kuar and Samikhsa Kumari, apprehend
their arrest in a case under Sections 304(B), 201, 34 of the Indian
Penal Code.

Kamleshwar Dubey, the father of the deceased, made
allegation that his daughter was married to Sri Niwas Tiwary
(petitioner no. 1) in the year 2014 but on 23.06.2015 he got
information that his daughter was burnt to death by her husband,
mother-in-law and step daughter. It is submitted that the petitioner

no. 1 is the husband of the deceased, the petitioner no. 2 is the mother-in-law and the petitioner no. 3 is the step daughter (daughter from the first wife of the petitioner no. 1 Sri Niwas Tiwary). The deceased caught fire while she was cooking food. Even the witnesses have also stated the same fact. The petitioner no. 2 is an old lady and the petitioner no. 3 is a minor girl.

Considering the facts aforesaid, the petitioner no. 2 Musmat Phulpatti Kuar @ Phul Matti Devi @ Most. Kulpati Kuar and the petitioner no. 3 Samikhsa Kumari, in the event of their arrest or surrender before the learned 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 Sri Prabhakar Jha, Judicial Magistrate, 1st Class, Siwan in Nautan P.S. Case No. 90/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of the petitioner no. 1 Sri Niwas Tiwari @ Tuntun Tiwari @ Tunnu Tiwari is concerned, he is the husband of the deceased. The deceased died due to burn injury within one year of her marriage with the petitioner no. 1.

Having considered the facts aforesaid, I am not

inclined to enlarge the above named petitioner no. 1 on anticipatory bail in Nautan P.S. Case No. 90/2015. Accordingly the same is rejected.

Dilip/-

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(Prabhat Kumar Jha, J)