

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18032 of 2016

Arising Out of PS.Case No. -14 Year- 2015 Thana -GAMAHARIYA District- MADHEPURA

- =====
1. Lila Devi Wife of Bhutuk Sutihar,
 2. Fulo Devi, Wife of Dhirendra Sutihar, Both are residents of village - Bhelwa, P.S. - Gamharia, District - Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioner no.1, mother-in-law and petitioner no.2, Gotani of the deceased apprehend their arrest in connection with Gamharia P.S. Case No. 14 of 2015 registered for offences punishable under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case is that the daughter of the informant, Pavita Devi came to his house and told him that accused persons, including her husband used to assault her and have sent to bring Rs. 10,000/- and they have threatened that in case of failure to bring money, she would be killed. Thereafter, on 18.01.2015, informant came to know that his daughter has been killed on 17.01.2015 by sprinkling kerosene oil on her body and

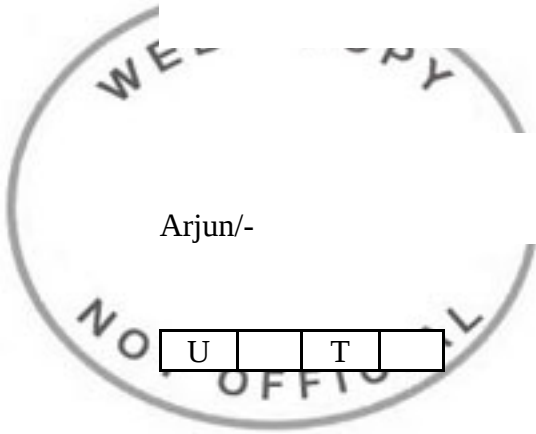
setting her on fire and when informant reached the matrimonial home of his daughter, nobody was found there.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent having no criminal antecedent and the husband of the deceased, Pavita Devi has already surrendered and acquitted vide order dated 23.12.2015 passed in Sessions Trial No. 41 of 2015/ CIS No. 60 of 2015, as during trial informant had deposed that accused persons had not demanded dowry at any point of time and his daughter died due to illness. He had also deposed that his grandsons (Naati) are living with their grandfather and grandmother and, thus, he has been declared hostile by the prosecution.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the husband of the deceased has been acquitted, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of Sri Niraj Kumar, learned Additional Chief Judicial Magistrate, Madhepura in connection

with Gamharia P.S. Case No. 14 of 2015, subject to the conditions
as laid down under Section 438 (2) of the Cr. P.C.



(Nilu Agrawal, J.)