

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34191 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -BUDHUCHAK District- BHAGALPUR

1. Nirmal Yadav & Anr Son of Chhabil Yadav

2. Kalpana Devi Wife of Nirmal Yadav

Both resident of Village- Gaughatta, Police Station- Budhuchak, District-
Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 03-10-2016

Heard learned counsels for the petitioners
and the State.

The petitioners being the elder brother and
his wife of the husband of the daughter of the informant are
apprehending their arrest in a case registered for the offences
punishable under Sections 498A, 436, 304B/34 of the Indian
Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of killing the
daughter of the informant namely, Mamta Devi after one and

half years of the marriage for non-fulfillment of the dowry demand by causing burn injury since the husband of the victim had illicit relationship with petitioner no. 2 Kalpana Devi which was being protested by the victim.

It is submitted by learned counsel for the petitioners that the petitioners claimed to be separate from the husband of the victim and during investigation also it was found that the petitioners' house was separate from the house of the husband of the victim. There is no eye witness to the occurrence. However, the post-mortem report reflects that the victim died due to the burn injury.

The learned APP after going through the case diary submits that the independent witness statement has been recorded in paragraph 9 of the case diary which suggests that husband of the victim had illicit relationship with petitioner no. 2 which was being protested by the victim and for that usually she used to fight with her husband. He admits that there is no eye witness to the occurrence.

Considering the nature of accusation, let the learned court below consider the prayer for bail of the petitioners, if the petitioners surrender before the learned court below within a period of six weeks from today in connection

with Budhuchak P.S. Case No. 15 of 2016 pending in the court
of learned Chief Judicial Magistrate, Bhagalpur.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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