

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53739 of 2015

Arising Out of PS.Case No. -153 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

- =====
1. Mahendra Kharwar Son of Mahabir Kharwar
 2. Saroj Debi @ Saroj Devi Wife of Mahendra Kharwar
 3. Ravi Kharwar @ Ravi Kumar Son of Mahendra Kharwar
 4. Subham Kharwar @ Subham Kumar Son of Mahendra Kharwar
 5. Pradeep Kharwar @ Pradeep Kumar Son of Mahendra Kharwar All are resident of village - Dubey - Ke Saraiya, Post Office - Hatta, Police Station - Chainpur, District - Kaimur (Bhabua)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 15-02-2016 Heard the counsel for the petitioners as well as Mr.

Dayal, APP for the State.

Five petitioners herein seek anticipatory bail in Chainpur Police Station Case No. 153 of 2015 registered under Sections 304(B)/201/34 of the Indian Penal Code and section 3/4 of Dowry Prohibition Act.

The mother of the victim lodged the case alleging that her daughter was married with co-accused Sandeep Kumar son of Mahendra Kharwar of village-Dubey-ke-Saraiya on 02.06.2013. Soon thereafter, the entire family members started torturing her for non-fulfillment of the demand of dowry. All the accused persons later killed her by burning on 01.11.2014. She visited the house but the body was not shown. Few months

thereafter, she lodged the case.

The counsel for the petitioners stated that there is a delay of more than 6-7 months in lodging the FIR. The deceased was treated of her ailment and as such she died a natural death.

On the contrary, the APP while opposing the prayer submits that in course of investigation it revealed that the victim was set ablaze in the matrimonial home. She died actually of burn injuries sustained by her. The villagers supported the allegation with regard to physical torture on her.

Be that as it may, considering the seriousness of the allegations and materials on record, in my view, it is not a case where the privilege of anticipatory bail should be extended to the accused persons. The application is dismissed.

The petitioners may surrender and pray for regular bail.

(Kishore Kumar Mandal, J)

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