

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25629 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -HATHAURI District- MUZAFFARPUR

- =====
1. Tileshwar Thakur son of late Briksshan Thakur
 2. Shankar Thakur son of Tileshwar Thakur
 3. Lalit Thakur son of Tileshwar Thakur
 4. Jeera Devi wife of Tileshwar Thakur
 5. Madhu Kumari @ Madhu Devi wife of Shankar Thakur R/o village Madhepura Police-station Hathauri Distt. Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-08-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners, who are in-laws of the victim, Vinita Kumari, apprehend their arrest in connection with Hathauri P.S. Case No. 04 of 2016, arising out of Complaint Case No. 1266 of 2015, registered for the offence punishable under Sections 304B and 120B of the Indian Penal Code.

The prosecution case, in brief, is that on 16.04.2012 informant got his daughter Vinita Kumari married with Santosh Thakur. After marriage, accused persons started pressurizing the victim to bring motorcycle and colour T.V. as

dowry from her parents and on failure to bring the aforesaid articles from her parents, accused persons killed her by setting her on fire.

It has been submitted by the learned counsel for the petitioners that petitioner no.1, Tileshwar Thakur has since been arrested and this application, so far petitioner no.1 is concerned, has already been dismissed as having become infructuous vide order dated 28.06.2016.

It has been submitted that petitioner nos. 2 and 3 are brother-in-laws (*Bhaisur*), petitioner no.4 is mother-in-law and petitioner no.5 is sister-in-law (*Gotani*) of the deceased Vinita Kumari. He submits that the informant had lodged U.D. Case No. 2 of 2015 in which police submitted final form wherein it was found that deceased Vinita Kumari died an accidental death due to fire. He further submits that the present case has been filed after nine days of the alleged occurrence and the Chawkidar has also stated that the death was accidental one. It has been submitted that the allegation against these petitioners are general and omnibus and the death occurred due to fire while cooking food.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report and they along with the husband of the deceased were instrumental in the

death, hence, opposes the prayer for bail.

Be that as it may, since in the U.D. case death has been found to be accidental and the Chawkidar has also not supported the prosecution case, let petitioner nos. 2 to 5, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of Sri B.K. Chaubey, learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Hathauri P.S. Case No. 04 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--