

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3432 of 2016

Arising Out of PS.Case No. -403 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

- =====
1. Ram Ishwar Paswan Son of Late Machchu Paswan
 2. Lalmuni Devi Wife of Ram Ishwar Paswan
 3. Naumi Paswan @ Ram Naumi Paswan Son of Ram Ishwar Paswan
 4. Indal Paswan Son of Ram Ishwar Paswan. All residents of village -
Pranpur Berai, P.S. Hajipur Sadar, District - Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kr.Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-03-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Hajipur Sadar P.S. Case No. 403 of 2015 registered for offence
punishable under Sections 304(B), 120(B)/34 of the Indian Penal
Code read with Sections 3/ 4 of the Dowry Prohibition Act.
Petitioner no.1 is father-in-law, petitioner no.2 is mother-in-law
and petitioner nos. 3 and 4 are *dewars* of the deceased lady, Minta
Devi.

The prosecution case, in brief, is that on 06.08.2015 at
about 9:00 A.M. while the informant was in his house, Deepak



Kumar informed him that all the five named accused persons with common intention assaulted his daughter and after pouring kerosene oil set her on fire. After getting the aforesaid information, informant reached the matrimonial house of his daughter where he learnt that she was admitted in hospital for treatment and during treatment his daughter succumbed to the injuries. It is alleged that due to non-fulfillment of the demand of dowry, accused persons assaulted his daughter and by pouring kerosene oil set her on fire, as a result of which she died.

It has been submitted by the counsel for the petitioners that petitioners are innocent and have committed no offence. They also did not bear any criminal history. It has further been submitted that in fact, the victim while cooking food got burnt and all the family members and the villagers have taken the victim to hospital for treatment, which facts are supported by the statements of the witnesses recorded in paragraphs 6, 7 and 8 of the case diary. He further submits that petitioner nos. 3 and 4 are pursuing their MBA study in the State of West Bengal and were not present on the date of occurrence. He further submits that the allegation of dowry is not supported by any witness, more so, that petitioners are people of means.

However, learned A.P.P. for the State submits that

petitioners are named in the First Information Report and opposes the prayer for bail.

Be that as it may, since the allegation of demand of dowry is not supported by any witness, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. case No. 403 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Nilu Agrawal, J.)

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