

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39954 of 2015

Arising Out of PS.Case No. -71 Year- 2015 Thana -KOCHAS District- SASARAM (ROHTAS)

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1. Banarshi Tiwari S/o Late Ramjee Tiwari
2. Shaila Devi W/o Banarshi Tiwari
Both R/o village- Phuli, P.S.- Kochas, District Sasaram, Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
Mr. Umesh Kumar

For the Opposite Party/s : Mr. Lallan Kumar(App)
Mr. Abhay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 28-01-2016 Heard Sri Bindhyachal Singh, learned counsel, who was assisted by Sri Umesh Kumar, learned counsel for petitioners, learned Addl. Public Prosecutor as well as Sri Abhay Kumar Singh, learned counsel, who has voluntarily appeared on behalf of informant.

Two petitioners, who are father-in-law and mother-in-law of deceased apprehending their arrest in Kochas P.S. Case No. 71 of 2015 registered for the offence under Sections 304'B', 201/34 of the Indian Penal Code, have prayed for grant of bail.

Learned counsel for petitioners submits that the present case has falsely been lodged. He submits that death of daughter-in-law of petitioners had occurred at the time while she

was offering puja and she caught with the fire. He submits that after the occurrence, the informant sides were informed, which fact has also been corroborated during investigation and as such, it was a case of accidental death, whereas, learned counsel for the information has opposed the prayer for bail. He submits that during investigation, witnesses, particularly witnesses of informant sides were examined and they categorically stated that without intimation to them, the deadbody was disposed of. He also submits that within one month after the deceased reached her husband's house after *Gauna*, the occurrence had taken place.

Keeping in view the fact that accusation is in respect of an offence under Section 304(B) of the I.P.C., I am not inclined to grant anticipatory bail. However, if petitioners surrender before the court below within a period of six weeks from today and make a prayer for regular bail, the learned court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law, preferably on the same date.

The petition stands disposed of.

(Rakesh Kumar, J.)

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