

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36639 of 2016

Arising Out of PS.Case No. -186 Year- 2016 Thana -PURNEA SADAR District- PURNIA

- =====
1. Baruna Devi D/o Suresh Lal Das Resident of Mohalla- Ram Bagh Professor Colony Purnia P.S. and Sadar Purnia District -Purnia.
 2. Suresh Lal Das Son of late Jai Govind Lal Das aged about 79 years Old Resident of Mohalla- Rambagh Professor Colony, Purnia P.S Sadar Purnia District Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha-1

For the Opposite Party/s : Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 15-11-2016 Heard Sri Binoy Kumar Sinha No. 1, learned counsel
for the petitioners and learned Additional Public Prosecutor.

Two petitioners, who are sister of the husband of the deceased and father- in- law, have approached this court for grant of anticipatory bail in Purnia Sadar P.S. Case No. 186 of 2016 registered for the offence under section 307, 498(A)/ 34 of the Indian Penal Code and subsequently Section 304(B) of the Indian Penal Code was added, have grant of anticipatory bail.

It was submitted by learned counsel for the petitioners that petitioners have falsely been implicated with a purpose to extract money from the petitioners. He further submits that petitioner no. 2 is aged about 80 years and there was no reason

for commission of such offence by the petitioners.

Learned Additional Public Prosecutor after going through the case diary submits that during investigation witnesses have categorically stated that sister of the informant was done to death by pouring kerosene oil.

Besides hearing, I have perused the materials available on record including the case diary. Of -course there is material to suggest involvement of the petitioners in a case under Section 304(B) of the Indian Penal Code, but on going through the case diary it appears that on certain points investigation was required to be conducted properly. In this case even the Investigating Officer has noticed the fact that victim was admitted in a hospital at Siliguri, there is nothing to indicate as to whether the Investigating Officer immediately rushed to Siliguri where subsequently the victim died. In this case the Investigating Officer examined the place of occurrence and has referred to facts regarding inspection of the place of occurrence which has been mentioned in paragraph no. 5 of the case diary. In paragraph no. 5 of the case diary it appears that many important facts are wanting. Keeping in view the fact that there is allegation against the petitioners which is in relation to an offence under Section 304(B) of the Indian Penal Code the Court is not inclined to

extend the privilege of anticipatory bail.

The prayer for anticipatory bail stands dismissed.

Let a copy of this order be communicated to the concerned Superintendent Of Police to examine the role of the Investigating Officer and take appropriate action.

(Rakesh Kumar, J)

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