

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36104 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -MALSALAMI District- PATNA

=====

1. Pratima Devi Daughter of Ramdhari Mahto, Wife of Mahtma Ram
Resident of Katra Bazar, Police Station- Malsalami, District Patna.
2. Rahul Kumar Son of Bazi Mahto Resident of Saidpur Khatal Gali, Police
Station- Kadamkuan, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Prasad

For the Opposite Party/s : Mr. Smt Anuradha Singh

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 27-09-2016

Heard the Counsel for the petitioners and the APP
for the State.

Petitioners are named in the First information Report
being the family members of the husband of the victim. They
along with others are facing prosecution under sections 304(B)
and 34 of the Indian Penal Code vide Malsalami P.S. Case No. 81
of 2015 lodged by the father of the victim.

The allegation is that only five years before she was
married to Sumant Kumar whereafter the in-laws started
demanding cash amount from the informant. On few occasions,
the amount was paid. However, their demand increased and the
torture on the victim was also continued. On the date of
occurrence, on information, he went to sasural only to find her

daughter burnt to death and body was kept on *chhajja* in the kitchen.

Contention of the petitioners is that petitioner no. 1 is *Nanad* whereas petitioner no. 2 is son of another sister of Sumant Kumar. The husband has been put on trial and acquitted. The father-in-law surrendered and had been granted regular bail by the Court below. The petitioner was not at the scene of occurrence during the relevant time. She lives in Ludhiana.

Learned APP for the State has opposed the prayer and submits that there is allegation specifically against the petitioners. At least for one year, they have not submitted to the jurisdiction of the Court. Under law, the presumption is that they are guilty until and unless otherwise proved.

Looking to the seriousness of the allegation and other materials reflected on record, I am not persuaded to extend them privilege of anticipatory bail. Prayer is rejected.

(Kishore Kumar Mandal, J)

Pankaj/-

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