

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31203 of 2016

Arising Out of PS.Case No. -25 Year- 2016 Thana -LAKHNAUR District- MADHUBANI

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Anita Devi Wife of Upendra Narain Das, resident of Village- Deep (West)
P.S- Lakhnaur, (R.S.O.P.) District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok, Adv.

For the Opposite Party/s : Mr. Sri Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 30-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the mother of the husband of the daughter of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 304B/34 of the Indian Penal Code.

The prosecution case as per the informant being the father of the victim is of killing the daughter of the informant by causing burn injury after three years of the marriage for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that the victim/daughter of the informant was married from before but subsequently the son of the petitioner Shyam Narayan Das performed marriage with her and subsequently the victim received

accidental burn injuries. The informant being the father of the victim is co-villager was aware about the incident as he visited the victim in the hospital but did not make any protest nor any FIR was lodged. The victim received burn injury on 02.02.2016 when she died on 15.02.2016 and the FIR was lodged on 18.02.2016 but the statement of the victim was not recorded by the police maliciously.

It is submitted by learned counsel for the informant that the victim (daughter of the informant) lodged a Sanha before the Officer-In-Charge, Madhubani to the effect that she was married from before but she was being enticed away by the co-villager Shyam Narayan Das who subsequently performed marriage with her and thereafter started inflicting torture by assaulting her.

Learned APP, after going through the case diary, submits that statements of independent witnesses have been recorded in paragraph nos. 6 to 9 of the case diary where they have supported the prosecution case as they have stated that when they reached at the spot, the victim conveyed to them that he husband and other in-laws members caused her burn injury. The marriage between the victim and Shyam Narayan Das is admitted.

Considering the nature of accusation, this Court is not inclined to grant anticipatory bail to the petitioner.

Let the learned court below consider the prayer for bail of the petitioner if she surrenders within a period of eight weeks in connection with Lakhnaur (R.S.O.P) P.S. Case No. 25 of 2016 pending in the court of learned ACJM, Jhanjharpur, Madhubani keeping in view of delayed lodging of the case.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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