

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40214 of 2016

Arising Out of PS.Case No. -29 Year- 2015 Thana -BARAHIYA District- LAKHISARAI

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1. Anil Singh @ Anil Kumar Singh Son of Maheshwar Singh Resident of Village - Bakhri, P.S. - Bakhri, District - Begusarai.
 2. Smt. Binita Singh Wife of Anil Singh Resident of Village - Bakhri, P.S. - Bakhri, District - Begusarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Raj Kamal, Advocate

For the Opposite Party : Mr. Smt. Rita Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend arrest in Barhaiya P.S.Case No.29
of 2015 (G.R.No.199 of 2015) for the offences alleged under
Sections 302, 201 and 34 of the of the IPC.

The prosecution case as is evident is that, deceased,
Poonam Devi, daughter of Chandradeep Singh was married to Ajit
Singh ten years ago. The marriage was solemnized in accordance
with Hindu rituals and informant according to his capacity made
expenditure in the marriage. The deceased was regularly tortured
in her *Sasural*. In the meantime, she was also blessed with two
kids. When member of her in-laws family did not give her food,



she used to come to her *Maika*. On this very issue, when she came to her *Maika* on 04.06.2014, then her husband, Bhainsur and Gotni came to her *Maika* on 13.06.2014 and took her to her *Sasural* after accepting their fault before the villagers. But on 14.06.2014, when informant was informed by his grand daughter that her mother has not yet reached her home, the informant went to daughter's *Sasural* and found no one present there. He came to know that ritual of *Shradha* of his deceased daughter was being done by them.

It has been submitted by learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case. They are *Bhainsur* and his wife. It has further been submitted that the police submitted final form wherein it was specifically stated that the victim lady died herself by burning as she had some tiff with her husband who was a drunkard. He also submits that the informant Chandradeep was found to be attending the funeral ceremony of the victim/deceased. It has further been submitted that the Magistrate without any material, after final form, has taken cognizance against the petitioners. It has also been pointed out that complaint case which was later on converted into the present FIR and the complainant/informant has himself stated that the occurrence

occurred on 14.06.2014 but the complaint has been lodged on 21.07.2014 and no plausible explanation has been given for such a delay.

However, learned APP for the State submits that the petitioners are named in the FIR, hence, opposes the prayer for bail.

Be that as it may since the prosecution case has been found not true against the petitioners in the final form and without any additional evidence or material cognizance has been taken against these petitioners and that the complaint has been lodged after much delay, let the above named petitioners in the event of their arrest or surrender before the learned court below within a period of eight weeks be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barhaiya P.S. Case No.29 of 2015 (G.R.No.199 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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