

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52893 of 2016

Arising Out of PS.Case No. -143 Year- 2016 Thana -PHULWARIA District- GOPALGANJ

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1. Manisha Kumari, daughter of Laljee Prasad
2. Kismati Devi, Wife of Laljee Prasad
3. Laljee Prasad, Son of Late Ramjash Prasad
All resident of village- Balepur, P.S.- Fulwariya, (Sripur O.P.) District -
Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan

For the Opposite Party/s : Mr. Sri Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This is an application for grant of anticipatory bail for the
offences punishable under Sections 304(B) and 34 of the Indian
Penal Code.

Petitioner no. 1, is the married *Nanad* (sister-in-law),
petitioner no. 2 is the mother-in-law and petitioner no. 3 is the
father-in-law of the deceased.

It has been submitted on behalf of the petitioners that the
petitioners have no concern with the alleged occurrence, which
took place when the deceased went to boil milk for her children
and unfortunately her sari caught fire and due to which she got
severe burn injuries and subsequently succumbed to the said burn



injuries. It has further been submitted on behalf of the petitioners that the petitioners are the persons, who took the deceased to the hospital and when they informed the informant about the said occurrence, the informant instead of doing anything has lodged the present case against the petitioners.

Heard learned A.P.P. also.

Having heard both sides, on perusal of the impugned order, it transpires that there were continuous demand of dowry and due to non fulfillment of the said demand, the deceased was subjected to physical and mental torture, I am not inclined to grant the petitioner Nos. 2 and 3, the privilege of anticipatory bail, it is accordingly rejected.

However, if the petitioner's surrender before the Court below within a period of four weeks from today, their prayer for grant of regular bail, may be considered by the learned Court below on its own merit, without being prejudiced by the order of this Court.

So far as petitioner no. 1, is concerned, having regard to the facts and circumstances of the case and as she is married nanad of the deceased, it is directed that petitioner no.1, namely, Manisha Kumari, in the event of her arrest or surrender before the court below within a period six weeks, be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Gopalganj, in connection with Fulwaria P.S. Case No. 143 of 2016 (G.R. No. 3358 of 2016), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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