

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3057 of 2016

Arising Out of PS.Case No. -217 Year- 2014 Thana -BIHARIGANJ District- MADHEPURA

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1. Binay Kumar Jha Son of Late Deo Chandra Jha
 2. Smt. Radha Devi wife of Binay Kumar Jha
 3. Pawan Kumar Jha son of Binay Kumar Jha
 4. Alok Kumar Jha @ Guddu son of Binay Kumar Jha

All residents of Village and P.O. Sarauni Kala, P.S. - Bihariganj, District - Madhepura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Ravi Shankar

For the Opposite Party/s : Mr. P.Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 03-03-2016

Heard learned counsel, appearing on behalf of the petitioners, and the learned Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Bihariganj P.S. Case No. 217/2014, disclosing offences under sections 304B/34 of the Indian penal Code.

Petitioner No.1 is the father-in-law, petitioner no.2 is the mother-in-law and petitioner no.3 is the husband of the deceased. Petitioner No.4 is the brother of the husband of the deceased. Marriage between the deceased and petitioner no.3 was admittedly solemnized nearly two years before the date of occurrence on 16.11.2014 when the deceased had received burn injuries. She was

taken to Appolo Burns Hospital, Kumhrar.

Learned counsel for the petitioners has drawn my attention to Annexure 2 to this application, in order to submit that the statement of the deceased was recorded by the Sub-Inspector of Agamkuan Police Station in Appolo Burns Hospital, Kumhrar, Patna in presence of her brother, namely, Pawan Kumar Jha (the informant) and her mother, Pratima Devi. In her statement so recorded, the deceased specifically said that she got burn injuries while cooking and her in-laws were not at all responsible for the occurrence. It is submitted on behalf of the petitioners that the said occurrence had taken place on 16.11.2014. The deceased died on 16.12.2014, whereafter the brother of the deceased filed the First Information Report making false allegations.

Upon perusal of Annexure 2, which is the statement of the deceased, I find substance in the submissions made on behalf of the petitioners. This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, 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 Sri Pradeep Kumar Choudhary, Judicial Magistrate, 1st Class, Uda Kishanganj, Sub-Division, District

Madhepura in connection with Bihariganj P.S.Case No. 217/2014, subject to the conditions as laid down under sections 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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