

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56573 of 2015

Arising Out of PS.Case No. -78 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

1. Bikarma Pandey Son of Late Amla Pandey
2. Smt. Radhika Devi wife of Bikarma Pandey, Daughter of Late Ram Chandar Thakur
3. Ranjan Pandey son of Bikarma Pandey All are resident of village & P.O.- Sonwal, P.S.- Paharpur, District- East Champaran, Motihari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Tiwary
For the State : Mr. Amitesh Kumar (App)
For the informant Mr. Madhurendra Kumar

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 19-01-2016 Heard Mr. Tiwary for the petitioners, the counsel for the informant as well as the State.

The 03 petitioners herein who are the father-in-law, mother-in-law and brother-in-law of the deceased, are facing accusation punishable under sections 304-B and 120-B IPC. The FIR was lodged by the father of the deceased alleging that she was married to the son of petitioner nos. 1 and 2 only 02 years ago. She was being tortured by the family members including the husband for non-fulfillment of the demand of dowry. Instances have been cited in the FIR. On the date of occurrence, it is alleged that the victim informed her parents that she was brutally assaulted by the in-laws people. It was later found that she

was burnt inside the matrimonial home. On these allegations, the FIR was lodged. The lady ultimately died in Delhi on 21.03.2015.

It has been submitted that frantic efforts were made by the husband of the victim to save her life. It was a case of accidental fire while cooking food. The petitioner no.1 was not even present in the house. The victim while being treated at Sitamarhi signed a document that it was an accidental fire.

Counsel for the informant as well as the State opposed the prayer. Referring to diverse paragraphs of the case diary, it has been submitted that one of the witnesses has categorically stated about non-filing of any such document by the victim. The post mortem report indicates the anti mortem injury on the deadbody.

Considering the facts and circumstances of the case, as also the seriousness of the offence, I am not persuaded to extend the privilege of bail to the petitioners. The prayer for bail is accordingly rejected.

The petitioners may surrender and seek bail in the court below itself.

(Kishore Kumar Mandal, J)

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