

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41619 of 2015

Arising Out of PS.Case No. -48 Year- 2015 Thana -BARURAJ District- MUZAFFARPUR

- =====
1. Ranjeet Mahto Son of Late Brahmdeo Mahto.
 2. Sunaina Devi wife of Ranjeet Mahto. Both resident of village- Ahiraulia, Police Station- Baruraj, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal, Advocate
For the Opposite Party/s : Mr. Uday Chandra Prasad (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-01-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Baruraj P.S. Case No. 48 of 2015 registered for the offences punishable under Sections 304B, 498A of the Indian Penal Code and Sections 3/ 4 of the Dowry Prohibition Act.

As per the prosecution case, marriage of the daughter of the informant, Pinki Devi was solemnized with Ajay Mahato two years ago. At the time of marriage, informant gave sufficient cash and kind to the accused persons. Later, accused persons asked the daughter of the informant to execute her paternal property in their names or bring Rs. Five lacs from her father and on non-fulfilment of the demand, daughter of the informant has been burnt by

pouring kerosene oil. During treatment in SKMCH, Muzaffarpur, she succumbed to the injuries.

It has been submitted by the learned counsel for the petitioners that petitioners are the father-in-law and mother-in-law of the deceased respectively. It has further been submitted by the counsel for the petitioners that there is much delay in lodging the First Information Report, as the date of occurrence is 20.04.2015, but the First Information Report has been lodged on 10.06.2015, which itself falsifies the prosecution case.

Learned counsel for the informant, on the other hand, submits that there is direct allegation against all the accused persons to the effect that they poured kerosene oil on the body of the victim and set her on fire, as a result of which, during treatment she died in SKMCH, Muzaffarpur.

Aforesaid fact has been supported in various paragraphs, including paragraph 7 of the case diary.

Be that as it may, since there is complicity of the petitioners in the occurrence, which resulted in burning and later on death of the victim, Pinki Devi, I am not inclined to grant the privilege of anticipatory bail to the petitioners. This application is, accordingly, rejected.

Petitioners may move for grant of regular bail in

connection with Baruraj P.S. Case No. 48 of 2015 pending in the Court of S.D.J.M.(West), Muzaffarpur, which will be considered by the learned court below in accordance with law, without being prejudiced by this order.

(Nilu Agrawal, J.)

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