

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54749 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -GOPALPUR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Chanda Devi wife of Kishore Giri.
 2. Kishore Giri, son of Late Harihar Giri, Both are residents of Village-
Mainpur, Police Station- Gopalpur, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-12-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in judicial custody since
24.06.2017 in connection with Gopalpur P.S. Case No. 93 of 2017
for offences punishable under Sections 304(B), 120(B)/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he received information from petitioner no. 2 who is father-in-
law of his sister Priyanka Devi that while cooking food she has
been burnt and was being taken to the hospital who during course
of treatment died. It is alleged that the said Priyanka Devi stated



that all the accused persons including the petitioners had caught her and petitioner no. 1 who is mother-in-law of the deceased had poured kerosene oil and burnt her to death.

It has been submitted by the learned counsel for the petitioners that they are innocent and just because they are mother-in-law and father-in-law of the deceased, they have been made accused. He submits that all the independent witnesses have stated that because of gas leak while cooking food the deceased got burnt. It is further submitted that the father-in-law (petitioner no. 2) had called the informant's family and informed about the occurrence and that only interested witnesses have stated that because of demand of dowry the sister of the informant has been burnt to death. He submits that there is no allegation of dowry in the F.I.R. and the said story has been built up by the interested witnesses as an afterthought.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that for non-fulfillment of demand of dowry, she has been burnt to death.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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, Bettiah, District-West Champaran in connection with Gopalpur P.S. Case No. 93 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(Nilu Agrawal, J)

Devendra/-

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