

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28325 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. Bandana Kumari @ Vandana Devi, wife of Sri Niraj Kishore Singh @ Pankaj Kumar, resident of Village- Fulpura, P.S.- Bidupur, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 16-08-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bidupur P.S. Case N0. 21 of 2017, disclosing offences under Sections 341,323, 326, 307,498A, 120B of the Indian Penal Code and later on Section 304B of the Indian Penal Code was added.

Petitioner is the wife of elder brother of the deceased. It is alleged against the petitioner that the petitioner was holding the deceased when her husband Niraj Kumar Singh was pouring Kerosene oil over her, whereafter she was set on fire.

Learned counsel appearing for the petitioner has submitted that the only allegation against the petitioner is of holding the deceased when other co-accused persons were



pouring Kerosene oil on her where after she was set on fire and, therefore, she deserves anticipatory bail. The plea cannot be accepted.

The allegation against the petitioner is grave. The plea that since admittedly marriage had taken place more than seven years before the date of occurrence, no offence can be made out under Section 304B of the Indian Penal Code and for that reason also petitioner deserves bail, he may be correct that strictly speaking Section 304B of the IPC may not be made out. However, apparently the deceased died of burn injuries. Allegation against the petitioner and other members of the family is direct.

I am, therefore, not inclined to entertain this application for anticipatory bail.

This application is, accordingly, rejected.

The petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If she does so, her application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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