

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50462 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -DEORIYA District- MUZAFFARPUR

- =====
1. Ajay Sah, Son of Shiv Nath Sah,
 2. Dinesh Sah Son of Shivnath Sah,
 3. Nitesh Sah S/o Shivnath Sah, All R/o Village- Budhnapur, P.S.-
Dewaria, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun Kumar, Advocate

For the Opposite Party : Mr. Arun Kumar Singh -5 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-12-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection
with Dewaria P.S. Case No. 36 of 2017, registered for the offence
punishable under Section 304(B)/34 of the Indian Penal Code.

Allegedly, Chanchal Devi the sister of the informant
was married to Dilip Sah four years ago and after marriage the
husband did not like Chanchal Devi and started assaulting her and
the petitioners also used to torture and assault her. The petitioners
used to take A.T.M. card from the sister of the informant and used



to withdraw the money and on protest they used to assault her and thereafter they caused threats and burnt her to death, in the incident the son Adarsh has also received injury.

Submission is of false implication and that the petitioners are *dewar* of the deceased having no concern with the family affairs of the deceased and her husband. During investigation, it has come that the husband of the deceased was living outside to earn his livelihood and hot talk was going on between the deceased and her husband on mobile and being frustrated with the behaviour of the husband the deceased burnt herself wherein her son also received injury. The learned counsel has referred para 7, 8, 10, 11, 12, 13 and 14 of the case diary and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that during investigation the witnesses have stated otherwise and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Priti Kumari, J.M. 1st



class, Muzaffarpur, in connection with Dewaria P.S. Case No. 36 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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