

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55191 of 2016

Arising Out of PS.Case No. -159 Year- 2016 Thana -HATHUA District- GOPALGANJ

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1. Kishun Devi @ Gyanti Devi, W/o Sri Subash Tiwari,
2. Guriya Kumari, D/o Sri Subhash Tiwari,
3. Mala Devi @ Mira Devi, W/o Sri Dhananjay Tiwari,
4. Chandrabhan Tiwari, S/o Sri Subash Tiwari,
All Resident of Village- Bari Essar, P.S.- Hathua, District- Gopalganj

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioners : Mr. Raj Kishore Prasad, Advocate
Mr. Rajesh Mohan, Advocate
For the Opposite Party : Smt. Gulnar Begam (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-02-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Hathua P.S.

Case No. 159 of 2016 instituted for the offence under Section

302/34 of Indian Penal Code.

It is alleged that sister of the informant was married

with Rajeev Tiwary in the year 2008. Rajeev Tiwary lived in

foreign country. She was living in the sasural. It is alleged that she

was tortured by her mother-in-law and other family members and

ultimately she died of burn injury.

Learned A.P.P. has submitted that witnesses have



supported the case of committing torture by the petitioners in paras-7,8 and 9 of the case diary. The postmortem report shows that the girl died in her sasural out of burn injury. There is specific allegation against the petitioner nos.1, 2 and 4 in the written report which also gets support from the case diary.

Therefore, this court does not find it fit case for anticipatory bail of petitioner nos. 1, 2 and 4. Accordingly, anticipatory bail petition of petitioner nos. 1, 2 and 4 is hereby rejected.

So far as allegation against the petitioner no.3 is concerned, there is no specific allegation against her. In the circumstances, prayer of petitioner no.3 for anticipatory bail is allowed.

In the event of surrender/arrest of the petitioner no.3, namely, Mala Devi @ Mira Devi, within six weeks from today in connection with Hathua P.S. Case No. 159 of 2016, G.R. No. 2638 of 2016, she shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Gopalganj, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner nos. 1, 2 and 4 are directed to



surrender before the court below within four weeks from today
and seek regular bail which shall be considered and disposed of
without being prejudiced by this order.

(Sanjay Priya, J.)

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