

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49834 of 2017

Arising Out of PS.Case No. -149 Year- 2016 Thana -BAHADURPUR District- DARBHANGA

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1. Bina Devi Wife of Arun Prasad Singh Resident of village - Jogiyara, Police Station - Bahadurpur (Fekla), District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : M/S Radhey Shyam Mishra & Sunil Kumar, Advs.

For the Opposite Party : Mr. Prem Kumar Jha, APP 43

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 06-12-2017

Heard both sides.

The petitioner apprehends her arrest in Bahadurpur (Fekla) P.S. Case No. 149 of 2016 registered under Sections 302, 304B and 34 of the Indian Penal Code.

The informant, father of the deceased, alleged that he got his daughter married with Udai Kumar Singh two years ago. His daughter gave birth to a male child, but, her husband, father-in-law and mother-in-law started subjecting her to different sorts of torture due to non-fulfillment of demand of dowry. On 12.04.2016 at 10.30 A.M., the deceased informed her brother on mobile that she was likely to be burnt by her husband and in-laws due to non-fulfillment of demand of dowry. On 13.04.2016, the informant got information that his daughter was burnt and she was under treatment in Laheriasarai Burn Hospital from where she was referred to Apolo Burn Hospital, Patna, for further treatment, but, she died on her way to Patna.

Mr. Radhey Shyam, the learned counsel, appearing for the petitioner, submits that the petitioner is mother-in-law of the deceased.

During the course of investigation, it has come that the deceased herself committed suicide by pouring kerosene oil. The investigating officer, after investigation, submitted charge sheet under Section 306 of the Indian Penal Code.



Of course, the prayer for anticipatory bail of the petitioner was earlier withdrawn on 22.10.2016, passed in Cr. Misc. No. 39961 of 2016, but, at that time the investigating officer has not come to a definite finding that the deceased committed suicide. The child of the deceased, who is aged about six months, is in the lap of the petitioner and petitioner herself is a lady aged about 60 years and it has been submitted that the petitioner may be enlarged on anticipatory bail.

From the perusal of the first information report and the case diary, it appears that the father of the deceased and other witnesses related to the deceased have made specific allegation that the deceased was subjected to all sorts of physical and mental torture due to non-fulfillment of demand of dowry. One day prior to the incident the deceased herself rang her brother and she disclosed that she was likely to be burnt by her husband and in-laws and on the next day the informant got information about the burning of his daughter, who succumbed to burns injury.

Considering the facts, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail is **rejected**.

If the petitioner surrenders in the Court below, the learned Court below shall consider the regular bail of the petitioner without being prejudiced of this order and dispose off the same, if possible, on the same day.

(Prabhat Kumar Jha, J)

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