

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15542 of 2017

Arising Out of PS.Case No. -210 Year- 2016 Thana -BHAGWANPUR District-
 VAISHALI(HAJIPUR)

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1. Panchan Rai @ Pancham Rai son of Shri Ram Dayal Rai
 2. Sarita Devi wife of Sri Pancham Rai
 3. Ranjan Rai @ Ranjan Kumar son of Shri Ram Dayal Rai
 All resident of Village- Ratanpura, P.S. Bhagwanpur, District Vaishali
 Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Sri Ram Naresh Ray, APP

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
 PRATAP SINGH**
ORAL ORDER

3 06-07-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case under sections 342, 341, 323, 307, 326, 498A and 34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

It is alleged by the informant that her father-in-law, mother-in-law, two brother-in-law and sister-in-law used to torture her for dowry. It is further alleged that on 2.12.2016 at about 10 AM, due to non-fulfillment of demand of dowry, all the accused persons poured Kerosene Oil on her body and set fire on her, as a result of which she sustained burn injuries and later on she died on account of burnt injuries.

Learned counsel for the petitioners submits that petitioner Nos.1 and 3 are brothers of the husband of the informant whereas



petitioner No.2 is *Nanad* of the husband of the deceased. He further submits that petitioner Nos.1 and 3 are separate from the husband of the deceased by meets and bounds since 18.10.2011 as per the decision of the Panchayt whereas petitioner No.2 Sarita Devi is married woman and *Nanad* of the deceased and has no concern with the family affairs of the deceased. He submits that the husband of the deceased is already in jail custody.

Having regard to the facts and circumstances of the case, in the event of arrest/surrender, the petitioner No.2 Sarita Devi is directed to be released on anticipatory bail on furnishing bail bond of Rs.5,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.210 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner Nos. 1 and 3, namely, Panchan Rai @ Pancham Rai and Ranjan Rai @ Ranjan Kumar respectively are concerned, it has been submitted that they are separate from the husband of the deceased by meets and bounds since 18.10.2011 as per the decision of the Panchayat and they have been falsely implicated in this case merely since they happen to be the brothers of the husband of the deceased. Further more, the husband of the deceased is in jail custody. The grounds taken by these petitioners



are good ground for regular bail. I am not inclined to grant anticipatory bail to these petitioners. It is, accordingly, rejected. In case the petitioner Nos. 1 and 3 surrender and pray for regular bail, within six weeks from today, the same would be disposed of on its own merit on the same day without being prejudice by the fact that their prayer for anticipatory bail has been rejected by this Court.

(Samarendra Pratap Singh, J)

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