

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48305 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -UCHAKAGAON District- GOPALGANJ

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1. Ram Lakhan Prasad Gupta son of Gopali Sah
2. Raja Babu, son of Ram Lakhan Prasad Gupta @ Ram Lakhan Prasad
3. Prabhawati Devi wife of Ram Lakhan Prasad Gupta @ Ram Lakhan Prasad All are resident of Village- Sakhe Khas, Police Station Unchkagaon, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 10-01-2017 Heard both sides.

The petitioners apprehend their arrest in Uchakagaon P.S. Case No. 43/2016, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and 3/4 of Dowry Prohibition Act. Later on Section 304B of the Indian Penal Code was added.

The informant, mother of the deceased, alleged that her daughter Savita Devi was married to Arun Gupta @ Om Prakash Gupta on 29.02.2012 but after marriage Arun Gupta and his family members began to demand different articles. On 14.03.2016, the informant got information from brother-in-law of



her second daughter that the petitioners and the husband of the deceased set Savita Devi ablaze after sprinkling kerosene oil. She was taken to hospital for treatment.

Learned counsel for the petitioners submits that the petitioners are father-in-law, mother-in-law and brother-in-law of the deceased. There is no specific allegation of demand of dowry and torture against the petitioners. Petitioner No. 1 got burn injury in order to save his daughter-in-law, the deceased Savita Devi. The petitioners took Savita Devi to Gorakhpur hospital for treatment but she died on 19.03.2016 and her dead body was cremated by the petitioners after the doctor held post-mortem. The occurrence took place on 14.03.2016 and the informant also knew about the occurrence of the same day but the informant lodged the case on 19.03.2016 after death of her daughter. It is further submitted that from perusal of para 42 of the case diary, the Supervising authority found that the petitioners cremated the dead body of the deceased at Gorakhpur after her death.

On the other hand learned Additional P.P. as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that almost all the witnesses have stated that the petitioners along with Arun Gupta sprinkled kerosene oil and set the deceased Savita Devi ablaze and



consequently, Savita Devi died due to septicemia on account of ante-mortem burn injuries.

It appears that almost all the witnesses have stated that the petitioners also sprinkled kerosene oil on the body of Savita Devi and set her ablaze causing extensive burn injury and she died.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, their prayer shall be considered on its own merit without being prejudiced by this order and the court below shall dispose of the bail petition on the same day, if possible.

(Prabhat Kumar Jha, J.)

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