

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41542 of 2017

Arising Out of PS.Case No. -988 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. CHANDRAKALA DEVI @ PARVATI DEVI, wife of Dev Narain Sah,
 2. Dev Narain Sah, son of late Ramjee Sah, both resident of village-
Gandhi Path, Saharsa, P.S. and District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 13-10-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in Saharsa P.S.

Case No.988 of 2016 instituted for the offence under Section(s)
304-B Indian Penal Code pending in the Court of the Chief
Judicial Magistrate, Saharsa.

Petitioners are father-in-law and mother-in-law of
the deceased. First Information Report has been lodged by grand
mother of the deceased alleging that her grand daughter was
married in 2012 with Rajesh Kumar Sah. She gave birth of two
daughters and one son. After birth of last child, she was not
keeping good health and was unable to move. Therefore, these
petitioners and other accused persons have burnt her after



pouring kerosene oil on her on 21.11.2016. It is further alleged in the written report that grand daughter of the Informant had told her that these petitioners and other accused persons as named in the First Information Report have burnt her to death.

Learned counsel for the petitioner has submitted that Bijali Devi, one of the accused has filed complaint case for the same occurrence against the Informant of this case and others on 28.02.2017, which was sent to PS under Section 156(3) Cr.P.C.

It has been submitted that two other accused, namely, Bijali Devi @ Bijali Kumari and Kaishav Kumar, have been granted privilege of anticipatory bail by a co-ordinate Bench of this Court by order dated 20.09.2017 passed in Cr. Misc. No.43000 of 2017.

This Court finds that the First Information Report of the instant case has been instituted on 21.11.2016 itself for the same date of occurrence and complaint was filed by Bijali Devi after three months of the date of occurrence on 28.02.2017, which was sent to P.S. under Section 156(3) Cr.P.C. to create defence as she was already named as accused in the First Information Report.

Case diary has been received. The informant and other witnesses have stated that daughter-in-law of these



petitioners was burnt to death in her *Sasural*. The Doctor in post mortem report opined cause of death due to shock caused by extensive burn.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

Petitioners may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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