

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14241 of 2018

Arising Out of PS.Case No. -49 Year- 2017 Thana -ROUH District- NAWADA

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1. Bano Khatoon @ Bano, w/o Rahat Miyan,
 2. Rahat Miyan, s/o Md. Shaukat,
 3. Saddam Miyan, s/o Rahat Miyan,
 4. Sahnaz Khatoon, w/o Saddam Miyan,
 5. Riyaz Miyan @ Riyaz,
 6. Meraj Alam, s/o Rahat Miyan, all r/o village- Gulzar Bagh, Roh, P.S.-
Roh, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 10-05-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Roh P.S. Case No.49 of 2017** instituted for the offence under Section(s) 304-B Indian Penal Code pending in the Court of the **Additional Chief Judicial Magistrate, II, Nawadah.**

Allegation in the written report is that daughter of the informant, namely, Gulabsa Praveen was married with Shadab Alam about nine months ago as mentioned in the written report. Informant's daughter was subjected to torture and cruelty for demand of rupees two lac and jewellery etc. The informant could not fulfill the aforesaid demand and his daughter always



informed him about such demand of the accused persons. On 09.06.2017 at about 6.30 PM, the informant went to the house of his daughter on hearing *halla* and found his daughter in flame. Empty container of kerosene oil was lying there. Smell of kerosene oil was coming from the room. Daughter of the informant, on query, stated that the petitioners along with her husband have put her on fire for demand of dowry after sprinkling kerosene oil and they have fled away. Daughter of the informant was taken to hospital by the informant and other villagers, but she succumbed to injuries during treatment.

Case diary has been received. Learned APP has submitted that the informant in his further statement has reiterated the case as mentioned in the written report. Witnesses in para 8 and 9 have also stated that they have seen daughter of the informant in flame after arriving at the house of daughter of the informant.

Counsel for the petitioners submits that independent witnesses in para 35, 36, 37 of the case diary have stated that she sustained burn injuries while cooking food. He pointed out Annexure-2, which is subsequent application filed by the informant in the Court below on 09.11.2017 i.e. after five months of the occurrence stating that case was lodged by some other



person.

Occurrence has taken place on 09.06.2017 and as per *fard-e-beyan*, victim has died within nine months of her marriage due to burn injuries in her *Sasural*. As per *fard-e-beyan* and further statement of the informant, victim has taken name of these petitioners that they have set her on fire. The doctor in the post mortem report has mentioned cause of death due to septicemia on account of burn injuries. The doctor found 80% burn injuries on the person of the deceased.

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

Prayer of the petitioners 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 without being prejudiced by this order.

JA/-

(Sanjay Priya, J)

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