

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4837 of 2019

Arising Out of PS. Case No.-96 Year-2017 Thana- OBRA District- Aurangabad

1. Ritesh Singh @ Ritesh Kumar son of Anugrah Singh
2. Meena Dvi wife of Anugrah Singh
Both are resident of village Tejpura, P.S. Obra, District Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alka Singh
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 26-03-2019 Heard the parties.

The petitioners are apprehending their arrest in connection with Obra P.S.Case no.96 of 2017 , registered for offences punishable under Sections 302/34 of the Indian Penal Code.

Petitioners happen to be husband and the mother-in-law of the deceased. The case is under Section 302/34 of the IPC. The allegation against the petitioners is of setting the deceased on fire duet o which she died.

Submission of the learned counsel for the petitioners is that the statement of the deceased was recorded at the instance of Lanka Police Station by the learned Magistrate and there is certification of Doctor also and that disclose that while she was



preparing food, she received injuries and the aforesaid fact will appear from para 99 of the case diary and Annexure -2 itself, which is dying declaration and the informant was also present at the time of her treatment at Banaras, and after rerunning from there the present case has been lodged by the informant and after 5 ½ months, the statement of two minor daughters of the deceased has been recorded, who are 04 years and 06 years old which shows that it is the petitioners who have killed the deceased by pouring k-oil, however at that time these two children were in custody of the informant. It is further submitted that a C.D. was also produced but the authentication of the C.D. has been doubted, which will appear from various paragraphs of the case diary and the hand of the petitioners was also burnt while saving the deceased.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that the statement of two minor daughters of the deceased which is at page nos. 48 and 49 clearly discloses that it is the petitioners who poured k-oil and set her on fire due to that she died and further submission is that the police in collusion with the petitioners did not register the case but at the behest of the D.G.P., the present case has been logged. There is no certificate



issued by any Doctor showing the injury on the hand of the petitioners.

Having heard both sides and also considering the aforesaid facts especially Annexure 2 which is dying declaration of the deceased, let the petitioners, above named, surrender before the court below within a period of eight weeks from the date of order and on surrender he be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Daudnagar, Aurangabad in connection with Obra P.S.Case No.96 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition that they have to co-operate in the investigation as well as during the trial and will appear as and when required by the police as well as by the court.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

