

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10475 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- ARA MUFFASIL District- Bhojpur

1. Manoj Yadav, S/o Late Rangila Yadav Resident of Village - Mani Rai ke Tola, _P.S- Ara Muffasil, (Dhobha O.P), Distt.- Bhojpur
2. Mahangu Yadav Son of Late Rangila Yadav Resident of Village - Mani Rani ke Tola, P.S- Ara Muffasil (Dhobha O.P), Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Pratap Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore (App)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 14-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ara Muffasil (Bhobha O.P) P.S. Case no. 148 of 2018, registered under Section 304(B)/34 of the Indian Penal Code.

The allegation of informant Raj Kumar Paswan, Chowkidar is that on 11.05.2018 at about 12.30 P.M. he received information that petitioners with the help of their mother put the Kiran Devi, wife of petitioner No.1 Manoj Yadav, on fire and, thereafter, they carried her to Sadar Hospital, Ara for treatment with the help of Mukhiya, where



Kiran Devi died in course of treatment.

Learned counsel appearing on behalf of the petitioner submits that petitioner No.1 is the husband and petitioner No.2 is the brother-in-law of the deceased. Further submission is that, as a matter of fact, Kiran Devi wife of petitioner No.1 sustained burn injury at the time of cooking meal. Thereafter, she was rushed by the petitioners and her mother for treatment at Sadar Hospital, Ara, where she died, but due to dirty village politics, the informant, who is Chowkidar, lodged the present case. Further submission is that while case diary is up to paragraph-89 till 11.12.2018, but I.O has not taken pain to examine the parents and other Myaka people of the deceased. Further submission is that Birendra Yadav and Lalan Yadav, brother and father of deceased have filed affidavit in the Court of Chief Judicial Magistrate, Bhojpur, Ara in which both have stated that Kiran Devi sustained burn injury at the time of cooking meal and she was rushed by her in-laws for treatment at Sadar Hospital. Further submission is that in the F.I.R. the informant and the witnesses examined in course of investigation have not stated about torturing of the deceased due to non-fulfillment of demand of dowry.



Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Ara (Bhojpur) in connection with Ara Muffasil (Dhobha O.P) P.S. Case No. 148 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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