

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12976 of 2019

Arising Out of PS. Case No.-314 Year-2018 Thana- CHAINPUR District- Kaimur (Bhabua)

1. PRABHAWATI DEVI Wife of Nirahu Bind Resident of Village - Basawanapur, P.S.- Chainpur, District -Kaimur at Bhabua
2. Binda Devi D/o- Nirahu Bind, Wife of Bhagat Bind Resident of Village - Basawanpur, P.S.- Chainpur, District -Kaimur at Present Resident of Village - Saidra, P.S.- Bhabua, District Kaimur at Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Chainpur Police Station Case No. 314 of 2018, disclosing offences under Sections 304B/120B/34 of the Indian Penal Code.

The allegation against the petitioners, on the basis of the First Information Report, is that the daughter of the informant, Mamta Devi (deceased) was married with one Ramesh Bind and in her matrimonial house, the deceased was being maltreated by her in-laws for demand of a motorcycle. The informant alleged that he got information that husband and



other in-laws of the deceased has set her on fire after sprinkling kerosene oil on her and during the course of treatment, the daughter of the informant died.

Learned Counsel for the petitioners submits that the petitioner has falsely been implicated in the present case inasmuch as the petitioner no. 1 is the mother-in-law of the deceased, and petitioner no. 2 is married sister-in-law of the deceased. He further submits that the allegation is general and omnibus of pouring kerosene oil and there is no specific allegation against the petitioners.

Learned Counsel for the informant submits that from perusal of the First Information Report, it is evident that the in-laws of the deceased used to maltreat her and for non-fulfillment of the demand of motorcycle by the in-laws, she has been set on fire.

After having heard learned Counsel for the parties and taking into consideration the fact that in the post mortem examination report, trace of kerosene oil has been found, as such I am not inclined to grant anticipatory bail to the petitioner no. 1, Prabhawati Devi, who is the mother-in-law of the deceased.

This application, so far as petitioner no. 1 is



concerned, is dismissed.

So far as petitioner no.2 is concerned, taking into consideration the fact that she is the married sister-in-law of the deceased, and resides with her husband outside the village of the deceased, I find it a fit case for grant of privilege of anticipatory bail to the petitioner no. 2. Accordingly, this application, so far as petitioner no. 2 is concerned, is allowed.

Let the petitioner no. 2, Binda Devi, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Kaimur, at Bhabhua, in connection with Chainpur Police Station Case No. 314 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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