

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23394 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- JANTA BAZAR District- Saran

1. RANI DEVI @ Reena Devi, Wife of Sri Suryamani Mishra, Resident of Village- Mora Khas, Police Station- Bhagwanpur, District- Siwan, Bihar.
2. Nikki Kumari, Daughter of Sri Amarnath Mishra, Resident of village- Panditpur, Police Station- Janta Bazar, District- Saran (Bihar).
3. Dheeraj Mishra @ Dheeraj Kumar Mishra @ Dhiraj Mishra Son of Sri Amarnath Mishra, Resident of village- Panditpur, Police Station- Janta Bazar, District- Saran (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mayank Shekhar

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-04-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Janta Bazar P.S. Case No. 11 of 2019 for the offence punishable under Sections 498 and 307/34 of the Indian Penal Code.

Petitioner No.1 and petitioner No.2 are the sisters of the husband of the deceased, whereas the petitioner No.3 is the brother of the husband of the deceased. There is allegation in the First Information Report of demand of dowry against the husband of the deceased and his family members.

It is alleged in the First Information Report that the informant, who is mother of the deceased, received an information that the accused persons had set the deceased on



fire, who sustained serious burn injuries, whereafter she was taken to hospital.

Initially, the First Information Report was registered under Section 498A and 307 of the Indian Penal Code, but since in course of treatment the deceased died, Section 304B of the Indian Penal Code has been added.

Learned counsel appearing on behalf of the petitioners has submitted that the informant does not disclose in the First Information Report as to how did she learnt that the accused persons had committed the offence. He has drawn my attention to the *fard bayan* of the victim recorded in the hospital, from which it appears that she had received burn injuries while cooking food. It has also been argued, with reference to the *fard bayan*, that as a matter of fact, the in-laws had made all efforts to save her and immediately took her to the hospital.

Further, as per the First Information Report, the occurrence had taken place on 17.01.2019, about which the informant had received the information on the same day, but the police was informed on 20.01.2019, which casts serious doubt on the case of the prosecution as attempted to be made in the First Information Report.

Considering the above facts and circumstances, this



application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Saran, in Janta Bazar P.S. Case No. 11 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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