

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37770 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- UPHARA District- Aurangabad

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1. LALIT NARAYAN PRASAD @ LALU SAO Son of Late Bhagalu Saw
 2. Usha Devi W/o Lalit Narayan Prasad @ Lalu Sao
 3. Poonam Kumari @ Rani Kumari D/o Lalit Narayan Prasad @ Lalu Sao
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mithilesh Kumar Singh
For the Opposite Party/s	:	Mr.Pranav Kumar, APP
		Mr. Nawal Kishore Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-09-2019 The petitioners apprehend their arrest in connection with Uphara P. S. Case No. 53 of 2018 registered under Sections 304B and 201/34 of the Indian Penal Code.

Allegation against the petitioners is that marriage of the daughter of the informant was solemnised with one Rajesh Kumar Sao about 08 years back and daughter of the informant was issueless, so accused persons used to demand motorcycle and Rs. 2 lacs cash by way of dowry and due to non-fulfillment of the said demand, all accused persons used to torture the daughter of the informant and informant got information from the villagers that all accused persons killed his daughter and disposed the dead body in order to conceal the evidence.

Mr. Krishna Prasad Singh, learned senior counsel



appearing on behalf of the petitioners submits that petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law and petitioner no. 3 is married sister of the husband of the deceased and they have been falsely implicated in this case inasmuch as from perusal of the FIR, it would be evident that there is no specific allegation of demand of dowry against them and further no overt act has been alleged against them. He further relying upon the case diary at paragraph nos. 5, 6, 15, 16 and other paragraphs, submits that from perusal of statements made by the villagers as well as the statement of brother of the deceased in paragraph-16, it would be evident that all villagers and brother of the deceased have stated that the informant's daughter was set on fire by her husband due to the fact that she did not bear a child despite a lapse of even about 08 years of marriage. He further submits that none of the witnesses have stated anything against these petitioners to connect them with the present offence and it was due to fight between husband and wife, the husband has set his wife on fire. He further submits that the husband of the deceased is already in custody since 21.01.2019 and charge sheet against him has already been filed and investigation against these petitioners are still pending and no charge sheet has been filed against them.



After having heard learned counsel for the parties and taking into consideration the fact that all witnesses of the village along with brother of the deceased have stated that it was husband who set his wife on fire, as such I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Daudnagar, Aurangabad in connection with Uphara P.S.Case No. 53 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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