

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44166 of 2019

Arising Out of PS. Case No.-129 Year-2018 Thana- KOILWAR District- Bhojpur

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Bucchi Kunwar @ Kanya @ Kaneya, Wife of Late Ajay Singh, Resident of
Village - Songhata, P.S.- Koelwar, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Singh
For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-09-2019 Heard learned counsel for the petitioner and learned
APP for State.

The petitioner in this case is the mother-in-law of the deceased, who is seeking anticipatory bail in connection with Koelwar P.S. Case No.129 of 2018 registered for the offences punishable under Sections 341, 323, 307, 498(A) and 506 of the Indian Penal Code, Section 3/4 of Witch (Daain) Practice Act, 1999 and Section 3/4 of Dowry Prohibition Act wherein Section 302 I.P.C. was added subsequently.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner only because she happened to be the mother-in-law of the deceased. It is submitted that in course of investigation several witnesses have come forward to say that the victim had herself set her on fire



perhaps because of some disputes with her husband. It has come that her husband had been supporting the family of the victim and the victim sending money to them. Learned counsel submits that the marriage in this case has taken place nine years ago and two children had born out of the said marriage, therefore, the allegation at this stage that this petitioner being the mother-in-law had been indulged in demanding dowry and for that reason the victim had been set on fire by her husband and this petitioner is not acceptable. Learned counsel also submits that although the FIR is said to have been lodged on the basis of the fardbeyan of the victim lady but it would appear from the copy of the First Informant Report that the victim was perhaps not in a position to even understand the recorded statement. No doctor was present at the time of recording of her statement and only her thumb impression has been shown and her brother has become witness thereof. It is thus submitted that in absence of there being any certification of the doctor the informant was not in a position to give her statement. Even the statement recorded by the police does not inspire confidence.

Learned APP for the State has though opposed the prayer for anticipatory bail, however, it has been pointed out from the case diary that in some of the paragraphs independent



witnesses have stated that the victim had committed suicide. The neighbours and the person who had brought the victim in his car to hospital have made statement that the victim had committed suicide. It has also been submitted that there are injury reports of the petitioner showing that she had herself received burn injury while trying to save the victim and further there are materials to show that the cost of treatment was borne out by the nephew of this petitioner.

Considering the facts and circumstances of the case wherein the marriage is said to have taken place nine years ago, the husband of the deceased is already in custody since 07.12.2018, this petitioner has herself received burn injuries which are said to be caused while she was trying to save the victim and they there are some independent witnesses who come forward to say that the victim had committed suicide by setting herself on fire, let the petitioner above named in the event of her arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned In-charge C.J.M., Bhojpur, Ara in connection with Koelwar P.S. Case No.129 of 2018, subject to the condition as laid down under Section 438



(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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