

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51536 of 2018

Arising Out of PS. Case No.-124 Year-2018 Thana- PANCHRUKHI District- Siwan

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1. Munni Khatoon, wife of Juman Sai,
 2. Noor Nisha @ Noor Nisha Khatoon @ Nunaisha Khatoon, wife of Reyajuddin @ Reyajuddin Sai,
 3. Reyajuddin @ Reyajuddin Sai, son of Late Malil Sai. All are resident of Village- Makhnupur Bichla Tola, Police Station- Pachrukhi, District- Siwan.
 4. Rizwana Khatoon, wife of Imram Sai,
Resident of Village- Chhapiya, Police Station- Hussainganj, District- Siwan.
- Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Sri Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, being the brothers' wives, brother and married sister of the husband of the victim, are apprehending their arrest in a case registered for the offences punishable under Sections 341, 326, 307, 498A, 506, 120B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act and subsequently Section 304(B) of the Indian Penal Code was added.

The prosecution case as per the written report of Nijamuddin Sah submitted to the Station House Officer of Pachrukhi Police Station is to the effect that the daughter of the informant, Rukhsar Khatoon was married with Smamuddin Sai



in 2015 but subsequent to the marriage, Rs.One lakh was demanded as dowry and for non-fulfillment of the same, the torture was inflicted upon the victim. On 04.05.2018 the informant received information that his daughter has been get ablazed by her in-law family members and she is admitted in Sadar Hospital, Siwan, thereafter, the informant reached to the Sadar Hospital, Siwan where he found his daughter in burn condition. It appears that subsequently the daughter of the informant died during treatment.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the victim. The victim caught the fire accidentally while she was cooking in the house and subsequently, she died while treatment at PMCH, Patna. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that during treatment the statement of the victim was got recorded wherein she stated that these petitioners also poured kerosene oil and facilitated in commission of the offence.

It appears from the statement of the victim recorded by Magistrate that the husband of the victim poured kerosene oil and lit fire but it has been recorded in the impugned order that the petitioners also poured kerosene oil. This fact has been



verified by the learned APP after going through the case.

Considering the thrust of accusation against the husband of the victim, who as per learned counsel for the petitioner is in custody, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Siwan in connection with Pachrukhi P.S. Case No. 124 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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