

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11139 of 2020**

Arising Out of PS. Case No.-168 Year-2019 Thana- NAUTAN District- Siwan

1. Swaminath Prajapati @ Swaeeminath Parit S/o Dhoda Pandit R/o village- Baraipatti, P.S.- Nautan, District- Siwan
2. Kabutari Devi W/o Swaminath Pandit R/o village- Baraipatti, P.S.- Nautan, District- Siwan

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Raghav Prasad, Advocate

For the Opposite Partys : Mr. Akshay Kr.Pandit, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 15-09-2020 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offences punishable under Section and other allied sections of the Indian Penal Code.

Prosecution's case in short is that the petitioners, being father-in-law and mother-in-law of the informant's daughter, subjected her to cruelty and finally they, with the help of other family members, burnt her to death due to non-fulfilment of dowry within two years of marriage.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in this case. in fact the deceased, at the relevant time, was warming milk for her baby and during that fire caught in her Sari and due to this she received burn injury for which she was being treated in the PMCH where she took her last breath. Husband of the deceased



is in custody since 25.10.2019. It is also submitted that no offence under section 304B of the Indian Penal Code is not made out as there is no allegation of demand of dowry or torture at any time after marriage and on death of the victim in the accidental fire, they filed the instant case due to ulterior reason.

Counsel for the informant opposes the prayer for bail submitting that there is allegation against the petitioners and others that they killed the daughter of the informant.

Considering the facts of the case as well as the fact that there is no demand of dowry, petitioners are father-in-law and mother-in-law of deceased, victim died during treatment and husband of the deceased is already in custody, let the petitioners named above, in the event of surrender before 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 Nautan Police Station Case No. 168 of 2019 from the Court of the Judicial Magistrate 1st class, Siwan, subject to the conditions laid down under sections 438 of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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