

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79057 of 2019

Arising Out of PS Case No.-333 Year-2019 Thana- TURKAULIA District- East Champaran

1. Sunil Chandra Pathak, aged about 65 years (Male) Son of Ram Charitra Pathak.
2. Rambha Devi, aged about 60 years (Female) Wife of Sunil Chandra Pathak. Both resident of Village-Raghunathpur P.S. Turkawaliya (Raghunathpur O.P.), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar No 2, Advocate
For the State	:	Ms. Renuka Ratnakar, APP
For the Informant	:	Mr. Pramod Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 30-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Dhannjay Kumar No. 2, learned counsel for the petitioners; Ms. Renuka Ratnakar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Pramod Kumar Pandey, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Turkaulia (Raghunathpur) PS Case No. 333 of 2019 dated 29.05.2019, instituted under Sections 498A, 324, 325, 326, 307/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act to



which, later on, Section 304B of the Indian Penal Code was added.

4. The allegation against the petitioners, who are father-in-law and mother-in-law of the deceased, who was the daughter of the informant, along with two others, is of having burnt her due to non-fulfilment of demand of Bolero vehicle.

5. Learned counsel for the petitioners submitted that much prior to the marriage of the son of the petitioners with the deceased, there was family partition and all the parties were living separately in their allotted areas. It was submitted that the son of the petitioners, who is the husband of the deceased also used to live separately and after marriage being solemnized on 22.04.2015, one son and one daughter was born to them. It was submitted that due to some altercation between the husband and wife, due to him not coming in time to take the son to school, when he had returned, the deceased had herself poured kerosene oil and tried to burn herself but the son of the petitioners tried to douse the fire and by that time, she was badly burnt and he had taken her to the hospital. It was submitted that the neighbours, some of whom are even eye witnesses, have stated this fact. It was submitted that none of the witnesses have stated with regard to any role of the petitioners except for the initial allegation made in



the FIR by the informant. It was submitted that after admitting the victim, the son of the petitioners had informed the informant who had come and he had lodged the FIR in the hospital itself and the son of the petitioners was arrested by the police from there itself. Learned counsel submitted that the allegation of demand of Bolero vehicle soon after the marriage is falsified by the fact that after that two children were born and there is no allegation that any point of time, the victim had ever been assaulted or had to leave the matrimonial home as there is no record to the same. Learned counsel submitted that the petitioners being father-in-law and mother-in-law have absolutely no connection with any dispute the couple may have had, more so, when they were living separately. Learned counsel submitted that the police have also not found any material against the petitioners even to indicate that they had any role or that there was any foul play in the matter. Learned counsel submitted that besides being old in age, the petitioners have no criminal antecedent. It was further submitted that the informant himself has admitted in the investigation that his daughter was not in a condition to give any statement and that is why the police could not record the same and he had lodged the FIR, which indicates that the allegation of the petitioners and others pouring kerosene oil and burning her is falsified as the



informant had absolutely no occasion to know about this when the daughter was not in a position to say anything. Learned counsel contended that the fact that the victim died in the house of the informant after nearly two months of the occurrence, on 14.07.2019, indicates that her condition had improved and neither the informant nor the police making any attempt to record her statement also indicates that the allegation not being true, the victim herself would not have supported the prosecution story. It was submitted that the minor son and daughter of the victim, i.e., grandchildren of the petitioners are living with them.

6. Learned APP, from the case diary, submitted that the informant has alleged the demand of a Bolero vehicle and has also indicated that the victim was burnt by the in-laws, including the petitioners. However, he could not controvert the fact that the police have recorded that the daughter of the informant was not in a condition to give any statement. It was also not denied that even after the victim was taken home by the informant and died after almost two months of the incident, no attempt was made to record her statement.

7. Learned counsel for the informant submitted that there was demand of a Bolero vehicle due to which the incident has occurred. However, he also could not indicate any material



which implicates the petitioners and also did not controvert that witnesses have stated that there was a fight between the couple on the day with regard to taking the son to the school and when the husband of the deceased had returned, she had herself poured kerosene oil and set herself on fire.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in Turkaulia (Raghunathpur) PS Case No. 333 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, that one of the bailors shall be a close relative of the petitioners.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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