

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84197 of 2019

Arising Out of PS. Case No.-259 Year-2019 Thana- DINARA District- Rohtas

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1. HARI TURHA S/o Sahdev Turha
 2. Gorki Devi W/o Hari Turha
Both Resident of Village- Mednipur, P.S.- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 10-07-2020 Heard Mr. Ravi Shankar Sahay, learned counsel for the petitioner, Mr. Tapeshwar Sharma, learned A.P.P. for the State and Mr. Nityanand Tiwary, learned counsel for the informant through Video Conferencing.

The petitioners apprehend their arrest in Dinara P.S. Case No.259 of 2019 registered under Sections 304B and 34 of the Indian Penal Code.

The informant alleged that his niece was married with Umesh Turha, the son of the petitioners, on 30.05.2019 and went to her sasural but her husband, father-in-law, mother-in-law, brother-in-law and sister-in-law started subjecting her to physical and mental torture due to non-fulfillment of additional demand of dowry. The deceased informed her parents about the



torture given to her. On 10.09.2019, the informant got information that the accused persons burnt her to death and the accused persons were taking the dead body for cremation.

The learned counsel for the petitioners submits that petitioners are father-in-law and mother-in-law of the deceased. Omnibus and general allegation of demand of dowry and torture are made against the petitioners and other accused persons. The deceased got accidental burn injuries while she was cooking food. The petitioners and others brought the deceased to Sadar Hospital, Buxar but during the course of treatment, she succumbed to the burn injury. No inflammable substance was found on the body of the deceased. The deceased also did not receive any ante mortem injury on account of any assault. The brother-in-law and the sister-in-law of the deceased have already been granted anticipatory bail by a co-ordinate Bench of this Court. The petitioners are old man and the case of the petitioner stands on the same footing as that of brother-in-law and the sister-in-law. The husband of the deceased is in custody but the learned A.P.P. and the learned counsel for the informant vehemently opposed the prayer for bail and submit that petitioners are the father-in-law and the mother-in-law of the deceased. The deceased was living with the petitioners. The



brother-in-law and the sister-in-law were granted anticipatory bail on the ground that they were living separately from the husband of the deceased. It is further submitted that within 3½ months of marriage, the deceased was burnt to death and this fact itself shows that how the deceased was subjected to physical and mental torture before her death and when the additional demand of dowry was not fulfilled, she was burnt to death.

From perusal of the F.I.R. itself, it appears that deceased was married with the son of the petitioners on 30.05.2019 and on 10.09.2019 itself i.e. only within 3½ months from the date of her marriage, the deceased died of burn injury in her in-laws' house.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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