

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87505 of 2019

Arising Out of PS. Case No.-495 Year-2019 Thana- JAYNAGAR District- Madhubani

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1. Savitri Devi, age 50 years, Gender-Female, W/o Sri Ram Ashish Paswan, Resident of Village- Jainagar Goraitol, Ward No.3, P.S.- Jainagar, Dist-Madhubani.
 2. Rahul Kumar Paswan, age 26 years, Gender-Male, S/o Sri Ram Ashish Paswan, Resident of Village- Jainagar Goraitol, Ward No.3, Jainagar, Dist-Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Nilesh Kumar, Advocate.
For the State	:	Mr.Manoj Kumar, A.P.P.
For the Informant	:	Mr. Gagandeo Yadav, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 498(A) and 307/34 of the IPC.



The prosecution story, in brief, is that the informant's daughter was married with co-accused Rajesh Kumar Paswan in the year 2016 according to Hindu rites and rituals. The other co-accused including the petitioners are alleged to have demanded a four wheeler vehicle from the daughter of the informant and due to non-fulfilment of the said demand, they tortured her and ultimately, all the accused persons including the petitioners tied her hands in back side, confined her in the room and set her on fire after sprinkling Kerosene Oil upon her body, consequent of which, she was burnt badly and though she was treated up to Shubh Shiwam Hospital, Patna, but she died due to burning of her whole body caused by the accused persons including the petitioners.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Earlier the case was instituted for the offences under Sections 498(A), 307 and other allied Sections of the I.P.C. Subsequently, in course of treatment, the victim died due to septicaemia. Thereafter, the police had submitted charge sheet for the offences under Sections 302 and



304(B) of the I.P.C. Since the deceased had died due to septicaemia, it is a case where the death is due to secondary haemorrhage and not due to primary haemorrhage. Hence, no offence under Sections 302 or 304(B) of the I.P.C. are made out against the petitioners. The petitioner no. 1 is the mother-in-law and petitioner no. 2 is the brother-in-law (Dewar) of the deceased. They are separate in mess and property from the husband of the deceased. The husband of the deceased is in judicial custody.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned S.D.J.M., Madhubani, in connection with Jainagar P.S. Case No. 495 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees Ten Thousand) each



with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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