

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13757 of 2021

Arising Out of PS. Case No.-704 Year-2020 Thana- KHAGARIA District- Khagaria

1. NEELAM DEVI Wife of Haribansh Resident of Village - Rani Sakarpura, P.S. Khagaria (Gangaur), District -Khagaria
2. Haribansh Prasad Keshari Son of Madan Gopal Kesri Resident of Village - Rani Sakarpura, P.S. Khagaria (Gangaur), District -Khagaria

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-08-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Khagaria (Gangaur) PS Case No. 704 of 2020, registered under Sections 304(B)/34 of the Indian Penal Code.



Informant has alleged that his daughter has been done to death by setting her ablaze for non-fulfillment of demand for dowry. The marriage has occurred about one year prior to the alleged occurrence.

Learned counsel for the petitioners submits that petitioners are mother-in-law and father-in-law of the deceased. They were living separately from the husband of the victim and by virtue of the relationship they have been implicated in this case. There was some differences between the victim and her husband on account of alleged illicit relationship of the husband with his own *Bhabhi*. Since petitioners came to learn about victim sustaining burn injury, they rushed to the house of their son and took her for treatment. She died on the way and thereafter, has been brought to Gangaur O.P. by the petitioners themselves. Such conduct establishes their *bonafide*. It is submitted that responsibility for safety and dignity of the victim lies upon the husband with whom she was residing. Husband of the deceased is already in jail. Petitioners are in custody since 19.09.2020.

Learned APP has opposed the prayer for bail. He submits that petitioners are named accused. Victim has died due to burn injury.

Considering the rival submissions as also the facts and



circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in Khagaria (Gangaur) PS Case No. 704 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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