

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31930 of 2020

Arising Out of PS. Case No.-146 Year-2020 Thana- RAMNAGAR District- West Champaran

1. Lorik Bosphor @ Lorik Bosfor, aged about 56 years, Sex- Male, son of Late Babulal Bosfor.
2. Santosh, aged about 30 years, Sex- Male, S/o Lorik Basfor,
Both resident of Village- Danmorwa, P.S.-Ram Nagar, District-West Champaran.
3. Dharmendar Basfor @ Dharmendra Basfor, aged about 35 years, Sex- Male, son of Suresh Basfor, resident of Village- Danmarwa, Police Station-Ram Nagar, District-West Champaran, at present resident of village- Sahasraw, Police Station- Bhairoganj, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Mishra, Advocate Mr. Milind Kumar Mishra, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-03-2021

Heard Mr. Ashok Mishra, learned counsel along with Mr. Milind Kumar Mishra, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The application having been withdrawn with regard to petitioner no. 2, namely, Santosh, the same is now restricted to petitioner no. 1, Lorik Bosphor @ Lorik Bosfor, and petitioner no. 3, Dharmendar Bosfor @ Dharmendra Bosfor.

3. The petitioners apprehend arrest in connection with



Ram Nagar PS Case No. 146 of 2020 dated 08.05.2020, instituted under Sections 304-B/34 of the Indian Penal Code.

4. The allegation against the petitioners is of burning to death the daughter of the informant, who was the daughter-in-law of the petitioner no. 1, whereas, petitioner no. 3 is the husband of the sister of the deceased's husband.

5. Learned counsel for the petitioners no. 1 and 3 submitted that they have no role in any dispute which may have been between the husband and the wife and the allegation of demand of dowry is absolutely false. It was submitted that during investigation the Investigating Officer has visited the place of occurrence and has found that the same was a *pucca* room, whereas, the petitioner no. 1 was living by the side in a hut. Learned counsel submitted that the room has been found to be totally ravaged by fire and the electric meter and the wiring had melted. It was submitted that though in the FIR the allegation is general and omnibus of torture due to demand of dowry and further of killing the daughter of the informant by burning her, but in the restatement, the informant himself has stated that at 1.40 PM on the fateful day, he had a video talk with his daughter and she had stated that everything was okay, but the moment he asked her with regard to the medicines, there



was altercation between her and her husband and the line went dead. It was submitted that the same night at 10.00 PM, the informant came to the house of the deceased and found that she had been burnt and her body was lying there. Learned counsel submitted that the petitioner no. 1 is the father and the petitioner no. 3, husband of the sister of the husband of the deceased, who is living separately, have no role in the episode even if it is assumed that there was some foul play. It was further submitted that the Investigating Officer at the place of occurrence has also found that the door was broken, which clearly indicates that no outsider was present at the time when the incident occurred and had any of the petitioners been inside, they would have also suffered burn injuries as the place of occurrence showed heavy damage due to fire. Learned counsel submitted that husband of the deceased as well as the wife of the petitioner no. 1 are in custody. It was submitted that the petitioners have no criminal antecedent.

6. Learned APP, from the case diary, submitted that there is allegation against the petitioners also of being party to the killing of the daughter of the informant. However, it was not disputed that in the restatement, the informant himself has stated that he had a video talk with the deceased and she had stated



that everything was okay.

7. 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 no. 1 and 3, namely, Lorik Bosphor @ Lorik Bosfor and Dharmendar Bosfor @ Dharmendra Bosfor, 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 Additional Chief Judicial Magistrate, V, Bagaha, West Champaran, in Ram Nagar PS Case No. 146 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.



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

(Ahsanuddin Amanullah, J)

J. Alam/-

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