

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1 of 2021

Arising Out of PS. Case No.-168 Year-2019 Thana- VISHNUPAD District- Gaya

1. Nanhki Devi @ Anita Devi W/O Brahmdeo Paswan @ Brahmdeo Ram Resident Of Mohallah-Maranpur Near-Manglagauri (KAPIL Dhara), P.S.-VISHNUPAD, District-Gaya.
2. Brahmdeo Paswan @ Brahmdeo Ram S/O Ramishwar Ram Resident Of Mohallah-Maranpur Near-Manglagauri (KAPIL Dhara), P.S.-VISHNUPAD, District-Gaya.
3. Punam Devi @ Punam Kumari D/O Brahmdeo Paswan @ Brahmdeo Ram And W/O Bikki Paswan Resident Of Village-Utalibara, P.S.-TANKUPPA, District-Gaya.
4. Vijay Paswan @ Vijoy Paswan S/O Ramcharan Paswan @ Ramchandra Paswan Resident Of Village-Nadapur, P.S.-HUNTERGANJ, District-Chatra,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Nikhil- Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-10-2021 Heard the learned Advocate for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Vishnupad P. S. Case No.168 of 2019, instituted for the offences under Sections 304(B)/ 34 of the Indian Penal Code.

The learned counsel for the petitioners, at the outset, submits that he has filed supplementary affidavit for making correction in Para-1 of this petition and at the prayer portion of



Para-1 and in the prayer portion, instead of anticipatory bail, inadvertently, it has been typed as regular bail.

Learned counsel for the petitioners is permitted to make necessary correction in Para-1 as well as in the prayer portion of the petition.

Accordingly, the word regular bail be read as anticipatory bail.

The learned counsel for the petitioner, at the outset, submits that the petitioners are persons with clean antecedents. The petitioner nos.1 and 2 are mother in-law and father in-law respectively. Petitioner no.3 is sister in-law of the deceased and petitioner no.4 is the mausa of the deceased.

The learned counsel for the petitioner submits that from bare perusal of the allegations as alleged in the F.I.R., it would manifest that the daughter of the informant Asha Kumari was married with Rambali Paswan about five years ago and after marriage, the accused-petitioners including her husband started torturing her for demand of dowry. It is further alleged that on 22.08.2019 at about 6.00 P.M. accused persons finally poured kerosene oil on the body of Asha Kumari and burnt her. Thereafter, she was admitted at A.N.M.C.H., Gaya for treatment where she died on 28.08.2019 during course of treatment.



Learned counsel for the petitioners has drawn the attention of this Court towards last few lines of the F.I.R. from perusal of which, it is clear that the informant had aware that his daughter has suffered burnt injury and came directly to the hospital on 28.08.2019 where her daughter was being treated and finally left for heavenly abode on 28.08.2019.

Thus, the learned counsel for the petitioners submits that since the informant was aware that his daughter has suffered burn injury and was being treated in A.N.M.C.H., Gaya, if he had knowledge it were the petitioners, who was responsible for the occurrence then he would have definitely informed the police on 28.08.2019 itself, but the fact that he remained in hospital till the death of his daughter and thereafter, instituted the present F.I.R., this in itself amply demonstrate that the F.I.R. was instituted by way of after thought to falsely implicate the petitioners.

It is further submitted that had it been a case of burn injury in the sense, she was burnt by her in-laws, sister in-law and mausa and the husband then definitely the A.N.M.C.H., Gaya would have informed the police. Further, learned counsel submitted that from bare perusal of F.I.R., it would manifest that the informant has not even remotely suggested that his daughter



was unconscious during the course of treatment.

Learned A.P.P. vehemently opposes the anticipatory bail application.

Considering the fact that the daughter of the informant suffered burnt injury on 28.08.2019 and she was rushed to A.N.M.C.H., Gaya by the family members of her husband and she received treatment there that in itself prima facie demonstrate that it were the petitioners, who rushed her to the hospital.

Regard being had to the facts and circumstances of the case and the petitioners being the persons with clean antecedents, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Vishnupad P. S. Case No.168 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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