

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6929 of 2021

Arising Out of PS. Case No.-302 Year-2019 Thana- PUPRI District- Sitamarhi

1. Nilu Pathak, Wife of Mohan Pathak, R/O Village- Awarpur, P.S.- Pupri, District- Sitamarhi.
2. Mohan Pathak, Son of Late Harischandra Pathak, R/O Village- Awarpur, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate.
For the Opposite Party/s : Mr. Ranjeet Kumar Mishra, Advocate
Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

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

The petitioners apprehend their arrest in connection with Pupri P.S. Case No. 302 of 2019, registered under Sections 304B/34 of the Indian Penal Code.

The accusation is that Rajeev Kumar Jha, son of the informant, Shiv Mandal Jha, performed the marriage of his 2nd



daughter, Khusbu Jha with Anil Pathak, son of both petitioners. After marriage, Khusbu Jha went at her *Sasural* in *Bidai*, where she was blessed with two female children. Before four to five days, Anil Pathak, who used to reside at Mumbai, come to his village Awapur, where she was being tortured for demand of dowry. In the night of 21.07.2019, Khusbu Jha was burnt and she was rushed for treatment at Sitamarhi, from where, she was referred to Patna but she died. The informant, Shiv Mandal Jha, received information that Khusbu Jha succumbed to the injury. He claimed that Khusbu Jha was put on fire by her husband and in-laws.

Learned counsel for the petitioners submits that petitioner nos. 1 and 2, namely, Nilu Pathak and Mohan Pathak are mother-in-law and father-in-law of the deceased, Khusbu Jha, in fact, in course of cooking the meal, Khusbu Jha, grand daughter of the informant, sustained burn injury and she was rushed at Sitamarhi, from where, she was referred to Patna but she died but due to ill motive, informant lodged the present case with false allegation. Further submission is that petitioner no. 2, Mohan Pathak, is a retired army personnel as he took voluntary retirement after lost his eye sight. Mr. Ashok Kumar Jha, learned counsel appearing for the petitioner submits, at bar, that after



filing of the present application, Anil Pathak, husband of the deceased has surrendered before the court below on 23.12.2020 and since then, he is in custody.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarh, in connection with Pupri P.S. Case No. 302 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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