

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14868 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- LALGANJ District- Vaishali

1. RAJENDRA SAH SON OF MAHADEV SAH R/O VILLAGE- BARI MASJID, AGARPUR, P.S.- LALGANJ, DISTRICT- VAISHALI AT HAJIPUR
2. RAKESH KUMAR SON OF RAJENDRA SAH R/O VILLAGE- BARI MASJID, AGARPUR, P.S.- LALGANJ, DISTRICT- VAISHALI AT HAJIPUR
3. NILAM DEVI WIFE OF RAJENDRA SAH R/O VILLAGE- BARI MASJID, AGARPUR, P.S.- LALGANJ, DISTRICT- VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-05-2022 Heard learned counsel for the parties.

The petitioners pray for bail in a case registered for the offence under Section 307 / 498A of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act and subsequently, Section 304(B) of the I.P.C. was added.

It is 'dying declaration' wherein it is alleged that these petitioners alongwith one co-accused brutally assaulted and set the informant on fire for dowry.

It is submitted on behalf of petitioners that petitioner no. 1 is father-in-law, petitioner no. 2 is Dewar (brother-in-law)



and petitioner no. 3 is mother-in-law of the informant (deceased). Though, the alleged occurrence took place on 24.06.2021, but the deceased died on 03.07.2021 after all the possible treatment provided by the petitioners. There is general and omnibus allegation and no specific overt act has been alleged against these petitioners. Petitioners are in custody since 01.10.2021.

However, learned A.P.P. for the State opposed the bail petition and submitted that there is dying declaration of the informant wherein she has alleged specific allegation against petitioners and her husband of committing torture and setting her on fire, due to which, during course of treatment, she died.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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