

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9984 of 2022

Arising Out of PS. Case No.-26 Year-2018 Thana- KADWA District- Katihar

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1. DUKHNI DEVI Wife of Sahni Yadav Resident of Village- Sonali Bazar, Kartiya Gola, P.S.- Kadwa, District- Katihar.
 2. Soni Kumari Daughter of Sahni Yadav Resident of Village- Sonali Bazar, Kartiya Gola, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 498A, 307, 34 and 304B of the Indian Penal Code and Section 4 of the D.P. Act.

The victim in her fardbeyan alleges that on account of non-fulfillment of demand of dowry made by her husband, she has been set on fire after sprinkling Kerosene oil.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He



further submits that the petitioners are happen to be mother-in-law and daughter-in-law of the deceased and they have not demaned any dowry nor assaulted her in any manner. He further submits that it is apparent from the F.I.R. itself that it is the husband of the deceased who has demanded dowry of Rs. 40,000/- from the deceased and on protest, according to the victim, she was set on fire by her husband. He further submits that these petitioners have no concern with the alleged occurrence as they have not played any role in the alleged occurrence. The petitioners are rotting in judicial custody since 05.10.2018.

Learned A.P.P. for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that according to the F.I.R. it is apparent that these petitioners have set fire on the deceased after sprinkling Kerosene oil as a result of which she died during course of treatment. It is to take note that the entire allegation against the petitioners are in the nature of dying declaration, therefore, the offence is serious in nature where a lady has lost her life for want of dowry. Moreover, the prosecution version has been supported by the witnesses and there are sufficient evidence against them which proves



the entire occurrence of dowry death which are reflected from the paragraph 32, 37 and 40 of the case diary.

Considering the facts and circumstances of the case and the nature of offence as well as the direct allegation against the petitioners, this Court is not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of these petitioners are, hereby rejected.

However, the learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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