

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20839 of 2022

Arising Out of PS. Case No.-630 Year-2021 Thana- MAJHAULIA District- West Champaran

1. SHARDHA DEVI @ SHARDA DEVI W/o Nageshwar Singh @ Nagendra Singh Resident of Ward No.03- Rajbahar, P.S.- Majhauria, District- West Champaran.
2. Nageshwar Singh @ Nagendra Singh S/o Late Gaurishankar Singh Resident of Ward No.03, Rajbahar, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s	:	Mr. Md. Matloob Rab, APP
For the Informant/s	:	Mr. Manini Jaiswal, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and are mother-in-law and father-in-law of the deceased, it is next submitted that the informant alleges that his daughter was married to Rahul on 25.05.2021, it is next alleged that after marriage the accused persons, including the petitioners,



started demanding an Alto Car in the shape of dowry from the informant, it is next alleged that due to non-fulfillment of the demand, the accused persons, including the petitioners, killed his daughter by sprinkling kerosene oil over her body, further Rahul also sustained burn injury and when the informant on coming to know about the occurrence reached the place of occurrence the accused persons fled away and the informant took her daughter to hospital where doctor declared her dead.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from perusal of allegation as alleged in the FIR it would manifest that the informant alleges that his daughter was killed by sprinkling kerosene oil, but then informant is not an eye-witness to the occurrence, it is next submitted that while cooking the deceased's cloths caught fire and she was in-flame but her husband 'Rahul' tried to save her, on account of which he also sustained serious burn injury, it is next submitted that both the victim and Rahul were taken to hospital but the victim was declared dead on arrival, while Rahul was



admitted in the burn ward. The learned counsel for the petitioners next submits that Rahul was arrested from the hospital itself as he was admitted as he had suffered injuries on account of burn. The learned counsel thus submits that no doubt the victim died within seven years of marriage but then all deaths are not dowry death and the conduct of Rahul does inspire confidence that he perhaps made an attempt to save his wife, it is next alleged that as far as petitioners are concerned, the allegations against them are general and omnibus in nature.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners, but are not able to meet the submission of the learned counsel for the petitioners that even Rahul sustained burn injury and he was admitted in the hospital from where he was taken in custody.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Majhulia P.S. Case No. 630 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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