

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31491 of 2022

Arising Out of PS. Case No.-112 Year-2020 Thana- MAHILA P.S. District- Araria

1. RAJ KUMAR BHAGAT S/o Mahadev Bhagat R/o village- Bhargama, P.S.- Bhargama, District- Araria
2. Rambha Devi W/o Raj Kumar Bhagat R/o village- Bhargama, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Sections 304B, 302, 307 and other allied sections of the Indian Penal Code.

As per allegation, after birth a daughter from the victim, accused persons including the petitioners started torturing the victim and finally, accused persons set her on fire and during course of medical treatment, she died.

The main submissions advanced by Sri Anil Pd. Singh, the learned counsel appearing for the petitioners are that FIR itself goes



to show that victim has not been tortured before birth of a female child and during that course a good relation remained in between the petitioners and the deceased and the main allegation as appear is against the husband of the deceased who is in judicial custody and any specific allegation in committing murder of the deceased has not been mentioned in the FIR and both petitioners are father-in-law and mother-in-law of the deceased and during course of medical treatment, they remained present there and during death period, no complaint was made by him, in fact, deceased sustained burn injury while cooking meal. Further submission is that in the post mortem report there is no positive evidence for pouring kerosene oil on the body of the deceased by the accused persons when alleged burn injury caused to the deceased and during investigation, police did not find any sign of kerosene oil at the place of occurrence which falsifies the allegation made in the FIR.

Sri Ajit Kumar, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and mainly considering the fact that as per FIR main allegation appears against husband of the deceased and dispute between deceased and her husband arose after birth of a female child from the victim and in this regard main allegation of torture has been made against husband of the deceased who is in judicial custody, as per above submissions both petitioners are father-in-law and mother-in-law of the deceased, in the opinion of



this court, a lenient approach can be taken in respect of the petitioners. Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Araria in Mahila P.S Case No. 112 of 2020.

(Shailendra Singh, J)

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