

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41125 of 2021**

Arising Out of PS. Case No.-57 Year-2019 Thana- SHAHKUND District- Bhagalpur

1. KUNTI DEVI Wife of Badlu Sah @ Badri Sah Resident of Village- Kamalpur, P.S.- Sajour, District- Bhagalpur.
2. Badri Sah @ Badlu Sah Son of Late Chhedi Sah @ Shasi Sah Resident of Village- Kamalpur, P.S.- Sajour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Ram Naresh Ray

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 18-04-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Sessions Trial No. 112 of 2021, arising out of Sahkund (Sajour) Police Station Case No. 57 of 2019, registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code.

The allegation against the accused persons, as per the First Information Report, is that due to non-fulfillment of demand of dowry, the petitioner poured kerosene upon the daughter of the informant and the husband of the deceased set her ablaze, due to which she died in the hospital.

Learned Counsel for the petitioners submits that the



petitioners are the uncle and aunt of the husband of the deceased and they are living separately in all respect including mess with the husband of the deceased and they are having no connection/ involvement in the family affairs of the husband of the deceased. He further submits that in course of investigation, the independent witnesses have disclosed this fact that the petitioners are living separately from the family of the husband of the deceased and the allegation against the petitioners are only based upon the hear say evidence.

On the other hand, learned Additional Public Prosecutor submits that from perusal of the First Information Report, it would be evident that there is direct allegation against the petitioners that they poured kerosene on the deceased and the husband of the deceased set her ablaze, due to which she died in the hospital. He further submits that the parents of the husband of the deceased are not alive and all the family affairs of the husband of the deceased were being managed by the petitioners being the uncle and aunt of the husband of the deceased and there is specific allegation of demand of dowry and torture against them. He further submits that independent witnesses have also stated that the petitioners poured kerosene upon the body of the deceased and her husband set her on fire.



Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that there is specific allegation against the petitioners, duly supported by the independent witnesses and the trial of the case has already commenced, which is likely to be concluded within a period of six months, as per the report of 4th Additional Sessions Judge, Bhagalpur, I am not inclined to grant regular bail to the petitioners, at this stage.

This application is, accordingly, dismissed.

However, the petitioners may renew his prayer for bail after six months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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