

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44744 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- RIGA District- Sitamarhi

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1. POONAM DEVI WIFE OF RAJESH THAKUR R/O VILLAGE- KOLHUA THIKAHA, P.S.- SHEOHAR, DISTT.- SHEOHAR (BIHAR)
 2. RAJESH THAKUR SON OF RAM BHAROSH THAKUR R/O VILLAGE- KOLHUA THIKAHA, P.S.- SHEOHAR, DISTT.- SHEOHAR (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 326, 504 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The informant alleges that her marriage was solemnized with Vikash on 29.04.2018, further after marriage the accused persons including the petitioners were demanding motorcycle and Rs. 1,00,000-/, it is next alleged that for non-fulfillment of the demand she was set ablaze by sprinkling kerosene oil causing burn injury.



Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 1 is a woman and have been falsely implicated in the present case, it is next submitted petitioners are married sister-in-law of the informant and petitioner no. 2 is the husband of petitioner no. 1 and they reside separately. Learned counsel next submits that even allegation of burning is general and omnibus in nature, it is further submitted that the informant was not burnt rather while cooking her cloth got fired as a result of which she received burn injury which as per Doctor is 54 per cent. Learned counsel next submits that from perusal of the allegation as alleged in the FIR it would manifest that even the family members of the informant were knowing that burn injury has been caused to the informant and she was admitted in the hospital but still neither the hospital informed the police nor her family members intimated the police about the occurrence which amply demonstrates that the burn was not on account of sprinkling of kerosene oil but the informant got burnt while cooking, it is also submitted that the date of occurrence is 09.02.2022 and the FIR has been instituted on 05.03.2022. Learned counsel next draws the attention of the Court to the FIR to submit that the same was based on an application of the informant and her fardbeyan was



not recorded in the hospital which also creates doubt with regard to the veracity of the allegation.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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. 5,000/- (Rupees Five 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 Riga P.S. Case No. 75 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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