

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53806 of 2023

Arising Out of PS. Case No.-240 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

1. Kanti Devi Wife of Puneet Thakur R/O-Husaini Tola, Mangalpur, P.S.-KHUJARIYA, Distt.-EAST Champaran, Motihari, Bihar
2. Ramesh Thakur Son of Puneet Thakur R/O-Husaini Tola, Mangalpur, P.S.-KHUJARIYA, Distt.-EAST Champaran, Motihari, Bihar
3. Manju Devi Wife of Ramesh Thakur R/O-Husaini Tola, Mangalpur, P.S.-KHUJARIYA, Distt.-EAST Champaran, Motihari, Bihar
4. Niraj Kumar Son of Ramesh Thakur R/O-Husaini Tola, Mangalpur, P.S.-KHUJARIYA, Distt.-EAST Champaran, Motihari, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mira Kumari, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-12-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Baikunthpur Police Station Case No. 240 of 2018, disclosing offences under Sections 304B, 302, 201/34 of the Indian Penal Code.

3. As per the First Information Report lodged on 14.09.2018 by the father of the deceased that the informant had performed marriage of his daughter Netu devi on 15.06.2015 along with co-accused Akhilesh Thakur as per the Hindu



Customs and Rites. Subsequently, the accused persons started demanding dowry, due to non-fulfillment of demand, the informant's daughter was tortured. On 15.05.2018, the informant received information that the petitioners along with other accused persons have set ablaze the informant's daughter and daughter's child namely Muskan by sprinkling kerosene oil on them.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case in order to put pressure upon them with oblique motive.

5. Learned counsel further submits that on 15.05.2018, the informant's daughter/deceased sustained burn injury while she was making food, and thereafter, she was taken before the doctor namely Dr. Manzar Nasim who on 16.05.2018 informed the police and the statement of a victim was recorded by the police on 16.05.2018 itself wherein the victim/deceased informed the police that her sari caught fire while she was making food on a gas stove. Learned counsel next submits that the treatment of the deceased continued for four months and ultimately she died on 14.09.2018. After the death of the deceased on 14.09.2018 FIR has been lodged by the father of deceased based upon concocted story.



Petitioner is mother-in-law and other family members of the deceased.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the statement of the deceased was recorded in the Doctor's clinic in which the father of the deceased/husband of the deceased had also signed, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioners, Kanti Devi, Ramesh Thakur, Manju Devi and Niraj Kumar, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Judicial Magistrate 1st Class, Goplaganj, in connection with Baikunthpur Police Station Case No. 240 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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