

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38224 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- GURARU District- Gaya

BAIKUNTH SAO S/O LATE RAMDHANI SAO, Resident of Village-
Rukun Pur, P.S.- Gararu, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53248 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- GURARU District- Gaya

SHARWAN KUMAR S/o Baikunth Sao, R/o village- Rukun Pur, P.S.-
Guraru, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38224 of 2022)

For the Petitioner/s : Mr.Vinod Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 53248 of 2022)

For the Petitioner/s : Mr.Vinod Kumar, Adv.

For the State : Mr.Dr. Kumar Uday Pratap, APP

For the Informant : Mr. Nityanand Rai, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 23-01-2023 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioners as well

as the learned Additional Public Prosecutor for the State and



also heard the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Guraru P.S. Case No. 49 of 2022 registered for offence punishable under sections 341, 323, 326, 307, 120(B) of the Indian Penal Code and later on, sections 498(A), 304(B) IPC and sections 3/4 of the Dowry Prohibition Act were added.

As per allegation, the marriage of Soni Devi (deceased) was solemnized with Rohit Sao in the year 2022. Two-three days prior to the occurrence, the accused persons demanded Rs. 2,00,000/- as dowry and due to non-fulfillment of it, they had assaulted her. All the accused persons set her on fire and she died during course of treatment.

The learned counsel for the petitioners has submitted that the petitioner Baikunth Sao is the father-in-law of the deceased and he is innocent. He has submitted further that in FIR, there is allegation that the accused persons were demanding dowry of Rs. 2,00,000/-, whereas in her statement under Section 164 of the Code of Criminal Procedure, the deceased herself has stated that they were demanding Rs. 30,000/-.

On the other hand, the learned APP and the learned counsel for the informant have submitted that the deceased in



her statement under Section 164 Cr. PC, has specifically stated that when her husband was setting her on fire, the petitioner Baikunth Sao, who is father-in-law, was not rescuing her. They have also submitted that the mother-in-law of the deceased has been granted regular bail, but it is an anticipatory bail. The allegation against petitioner Sharwan Kumar is that he has thrown ignited *machis* on the deceased.

Considering the above-mentioned facts and circumstances, this Court is not inclined grant anticipatory bail to the petitioners and accordingly their prayer for bail is rejected.

(Nawneet Kumar Pandey, J)

Mahesh/-

U		T	
---	--	---	--

