

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59285 of 2023

Arising Out of PS. Case No.-532 Year-2021 Thana- AMARPUR District- Banka

Kiran Devi W/O Subodh Kumar @ Subodh Poddar R/O Village- Pawaydih,
Ps. Aamarpur, Dist. Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Amarpur P.S. Case No. 532 of 2021, registered on 07.11.2021 for the offences under Sections 307/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act. Subsequently, after death of the informant Section 304B of the Indian Penal Code was also added.

3. As per prosecution case, the allegation against the petitioner is that she being the sister-in-law of the informant instigated her brother to demand Rs.50,000/- as dowry and due to non-fulfillment of the demand, they set the informant on fire



by sprinkling kerosene oil. Later on, the informant succumbed to her injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The facts of the case is that the informant was cooking and she caught fire and her husband tried to save her and the husband of the informant also received burn injury which are quite serious in nature. Even the informant was taken to hospital by her husband and there could be no application of Section 304B of the IPC in the case. There is no whisper about the time and place when the alleged demand was made. The husband of the informant is already in custody since 19.04.2023. Learned counsel further submits that the witnesses examined during investigation have stated about informant suffering burn injury due to leakage of gas and independent witnesses examined during investigation have mentioned this fact. Postmortem report shows 80% burn and the allegedly recorded the fardbeyan of the informant is not believable. Learned counsel further submits that the Mukhiya and a number of co-villagers gave written application stating that the informant committed suicide and in order to save her, her husband also received injuries.



5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that she sprinkled kerosene oil over the informant and her husband set her on fire.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication in view of specific statement of the witnesses, let the petitioner above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned court in connection with Amarpur P.S. Case No. 532 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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