

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6030 of 2024

Arising Out of PS. Case No.-1152 Year-2023 Thana- PHULWARISHARIF District- Patna

Rubi Devi @ Rubi Sharma W/O UMA SHANKAR SHARMA MOHALLA-
PURNENDU NAGAR NEAR SHIV MANDIR, KHOJA IMALI, PS.
PHULWARISHARIF, DIST. PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Singh, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Yash Roohan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard Mr. Jitendra Singh, learned Counsel for the
petitioner as also Mr. Jitendra Kumar Singh, learned APP for the
State and Mr. Yash Roohan, learned Counsel for the informant.

2. The petitioner apprehends her arrest in connection
with Phulwarisharif P.S. Case No. 1152 of 2023 for the offence
registered under sections 304(B) and 34 of the Indian Penal
Code lodged on 09.08.2023 by the informant, Bipin Kumar.

3. As per the prosecution story, the petitioner is the
mother-in-law of the deceased who has been made accused for
the alleged killing of her daughter-in-law, wife of Priya Ranjan
Sharma. The allegation in the FIR is that the marriage took
place in the year 2016 but she was always tortured for dowry
and on the particular day, she was set on fire, the informant



rushed to the matrimonial house, broke open the door, took her to the hospital where she succumbed to the burn injury. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that there may have been minor problem between the couple, she went inside the washroom, locked herself and put her body on fire. Panicked the accused persons absconded. He submits that there has been laxity on their part and they should have diligently taken steps to save the lady by getting the door opened and taking her to the hospital which part was done by the informant.

5. He however, submits considering the fact that the husband having failed to save his wife, he has already surrendered on 13.02.2024 which has been brought on record by way of supplementary affidavit. The lady is ready to co-operate in the investigation/appear in trial, she may be granted bail.

6. Mr. Yash Roohan, learned Counsel appearing on behalf of the informant submits that all the family members were equally responsible as once there was fire in the washroom, the least that was expected from the family was to broke open the door and rush the lady to the hospital.

7. Having failed to do so, none of them deserve bail



much less the anticipatory bail.

8. Having heard the parties and perusing the FIR as also the supplementary affidavit, it is unfortunate that a young lady left this world without completing her natural age, the fact of the case remains that when the informant's side came to the house, the washroom was locked from inside, it was broke open and the lady was rushed to the hospital. Though having married the lady, the husband cannot exonerate himself from his responsibility of having failed to protect her, he already is in judicial custody, the petitioner is a lady and as submitted by learned Counsel for the petitioner she has undertaken to diligently appear in trial, this Court is inclined to extend her privilege of anticipatory bail.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Patna in connection with Phulwarisharif P.S. Case No. 1152 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

10. Before parting, the Court would like to put on record its word of appreciation for Mr. Yash Roohan, learned counsel for the informant for proper assistance rendered in the matter.

(Rajiv Roy, J)

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