

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33317 of 2025

Arising Out of PS. Case No.-444 Year-2023 Thana- NAUTAN District- West Champaran

Antima Devi @ Anitma Devi D/o Late Jawahir Shah, W/o Mukesh Kumar
Sah R/o Village- Khadda Chowk, Police station-Nautan, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-05-2025 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending her arrest in connection with Nautan P.S. Case No. 444 of 2023 registered for the offences punishable under Sections 341, 323, 325, 326, 307, 504, 506, 498(A), 34 of IPC and $\frac{3}{4}$ of D.P. Act and later on Sections 302 and 304(B)/34 of IPC.

3. The allegation against petitioner is to commit murder of the informant due to non-fulfillment of demand of dowry by pouring *Kerosene* oil on her and subsequently put her on fire, where during course of treatment she died



out of said burn injury. It is alleged that petitioner being sister-in-law was holding hand of informant/ deceased while her husband was pouring kerosene oil on her during occurrence.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is a married sister-in-law and she was living separately with deceased and her husband and only to implicate whole family, she was implicated with present case. It is submitted that allegation of demand of dowry is not available against petitioner, who is a lady of clean antecedent. It is submitted that the informant/ deceased died after 16 days of the occurrence due to certain complications developed out of burn injuries, what she received out of accident while cooking.

5 Learned APP, while opposing the prayer of anticipatory bail submitted that the FIR be taken as dying deceleration as informant/ deceased categorically stated that during the occurrence when her husband was pouring



kerosene oil upon her, the petitioner was holding her hand and subsequently put on fire. It is submitted that *post-mortem* report appears corroborating that deceased died out of burn injuries. Informant/ deceased also supported the occurrence and involvement of petitioner while recording her statement under Section 164 of Cr.P.C. in same manner as in FIR.

6. In view of aforesaid factual submissions and by taking note of fact as the allegation of overt act as to hold the hand of deceased/ informant is available against petitioner while husband of deceased (brother of petitioner) was pouring kerosene oil upon her, before putting her on fire, accordingly the prayer of anticipatory bail of the petitioner stands **rejected** herewith.

(Chandra Shekhar Jha, J)

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