

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66495 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- CHACKMEHSI District- Samastipur

1. Shobha Kumari Daughter of Late Raj Kumar Peti Resident of Village - Saidpur, P.S. - Chakmehshi, District - Samstipur
2. Mithilesh Kumar @ Mithilesh Kumish Son of Late Raj Kumar Peti Resident of Village - Saidpur, P.S. - Chakmehshi, District - Samstipur
3. Bijli Devi Wife of Late Raj Kumar Peti Resident of Village - Saidpur, P.S. - Chakmehshi, District - Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv
For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

- 4 07-04-2025 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners apprehend their arrest in connection with Chakmehsi P.S. Case No. 63 of 2024 instituted under Sections 304(B)/34 of the Indian Penal Code and under Section 3/4 D.P. Act.
3. As per the prosecution case, on 12.04.2024 at 07:30 P.M., the Rupa Devi was burnt when she went to cook food. On hulla made by her mother-in-law, Baijli Devi, Kamalesh Kumar (husband) tried to rescue her and in course of saving the Rupa Devi, both his hands got burnt. In course



of treatment in K.M.C.H., Rupa Devi died.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have falsely been implicated in the present case. He further submits that there is no specific allegation against the petitioners. Learned counsel further submits that petitioner no. 1 is sister-in-law, petitioner no. 2 is brother-in-law and petitioner no. 3 is mother-in-law of the deceased.

5. Learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail.

6. Having heard learned counsel for the parties and further considering the fact that there is no direct evidence against the petitioners in the case diary to reveal their complicity in the alleged occurrence and further considering that the informant in the F.I.R. and also in Para '7' of the case diary, Pappu Kumar has clearly stated in his evidence that on 12.04.2024, he got information that his sister has been burnt and she was being taken to Smastipur for treatment, so *prima facie* this fact clearly shows that there was no *mala fide* intention of the petitioners otherwise they would not have informed the informant regarding the burn injury of the deceased, furthermore the deceased had died after four days



after the incident and during that period she did not gave any statement regarding involvement of the petitioners in the said occurrence and the main accused (husband of the deceased) of the incident is already in jail and there is no allegation regarding petitioners for demand of dowry from the deceased, keeping in view of the aforesaid facts, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from the date of receipt of a copy of this order and in the event of his arrest or surrender in connection with Chakmehsi P.S. Case No. 63 of 2023, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Samastipur, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

tusharika/-

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

