

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29988 of 2026**

Arising Out of PS. Case No.-1076 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE  
District- Samastipur

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1. Daya Nath Mishra Son of Late Kamla Kant Mishra Resident of village - Mathurapur, P.S.- Warisnagar (Mathurapur O.P.), District – Samastipur.
  2. Veena Devi Wife of Dayanath Mishra Resident of village - Mathurapur, P.S.- Warisnagar (Mathurapur O.P.), District – Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Divanath Thakur Son of Late Hansnath Thakur Resident of village - Manirampur, Near Mahatma Shiv Kumar Enter College, Dharaimaphi, P.S.- Munshiganj, District - Amethi (U.P.).

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Khushi Awadh, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      11-05-2026                      Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners apprehending their arrest in connection with Complaint Case No. 1076 of 2019 arising out of Warisnagar Mathurapur O.P. P.S. Case No. 161 of 2014 registered for the offences punishable under Sections 498A, 326, 307, 302, 120B/34 of IPC but process has been issued under Sections 498A, 120B, 302 of IPC.

3. As per FIR, both petitioners, being father-in-law alongwith their family members/son put informant on fire after



sprinkling kerosene oil on her. The informant died subsequently while she was under treatment at Patna.

4. It is submitted by learned counsel appearing on behalf of the petitioners that the petitioners implicated falsely with this case as an afterthought as occurrence was purely accidental in nature. It is submitted that the informant received burn injury while she was in her kitchen, whereafter she was brought to Janta Hospital, Samastipur by her brother-in-law, namely, Raj Kumar Mishra. It is submitted that the entire occurrence was witnessed by a milk vendor, namely, Lukhiya Devi. It is submitted that the first statement of victim supported the occurrence as accident, which was duly recorded by A.S.I., Omkar Nath Pandey, Town P.S. SPR, in presence of Lukhiya Devi. The statement was duly signed by informant/deceased also. Subsequently, as an afterthought on very next day when the father of the informant arrived, she took U-turn from her earlier version and alleged petitioners and family members that they put her on fire after sprinkling kerosene oil. It is also pointed out that the informant was married with the son of the petitioners having one son aged about 8 years. It is also pointed out that there is no allegation of any demand for dowry. It is submitted that the brother-in-law, who was made accused in this case, namely Raj



Kumar Mishra remains present throughout treatment of informant upto Patna, where she finally died.

5. Arguing further, it is submitted that after taking note of aforesaid facts, police after investigation, submitted final form against petitioners, whereafter the enquiry was initiated on the basis of protest which was filed by the father of the deceased, whereafter the learned Jurisdictional Magistrate took cognizance for the offence punishable under Sections 498A, 302 and 120B of the IPC. While arguing further, it is submitted that the doctor while conducting postmortem could not find any trace of kerosene oil as alleged through second statement, which is the basis of the present implication.

6. Learned APP, duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that the statement of informant be treated as dying declaration. It is submitted that when father of the informant came to the hospital, he disclosed the correct version of the occurrence, however, he failed to submit qua first statement of victim/informant stating occurrence was an accident.

7. In view of aforesaid factual submissions and by taking note of fact as the first statement of the informant



recorded in Janta Hospital in presence of the eye-witness of the occurrence and also police, suggesting the occurrence as an accident, accordingly, both above named petitioners who are in-laws, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-4th, Samastipur/concerned Court, where the case is pending in connection with Complaint Case No. 1076 of 2019 arising out of Warisnagar Mathurapur O.P. P.S. Case No. 161 of 2014 subject to the conditions as laid down under Section 482(2) of the BNSS.

**(Chandra Shekhar Jha, J)**

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