

Patna High Court - Orders

Indu Kumari & Anr vs State Of Bihar on 10 November, 2010

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.40174 of 2010

1. Indu Kumari, S/o Ram Bachan Paswan
2. Bhikhaniya Devi, W/o Ram Bachan Paswan
Both residents of Bhimli Chak, P.S. Deokund, District
Aurangabad, Bihar

VERSUS

The State of Bihar

2 10.11.2010 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners have prayed for anticipatory bail in a case under Sections 304B and 201 of the IPC on the ground that the present complaint case was lodged after inordinate delay of about 1 ½ months for extraneous reasons when on the date of occurrence itself when the sister-in-law of petitioner no.1 and daughter-in-law of petitioner no.2 died due to accidental fire in the house with her son, a UD case was registered on the information by father of petitioner no.1, who is husband of petitioner no.2. The postmortem report confirmed death of both persons due to burn injuries and the factum of accidental fire in the house was found correct in course of investigation into the UD case leading to submission of final report accordingly. It has been submitted that even in the subsequently filed complaint petition the alleged demand is only of a cycle and some money when the marriage had taken place in the year 2005 and admittedly, the deceased had a son and allegedly she was also having a pregnancy of 5-6 months.

Considering the submissions and the fact that petitioners are ladies, the prayer for anticipatory bail is allowed. In the event of arrest or surrender within six weeks, petitioners, Indu Kumari and Bhikhaniya Devi, shall be released on bail on furnishing bail bond of Rs.10000/- with two sureties of the like amount each to the satisfaction of SDJM, Daudnagar, Aurangabad in connection with Complaint Case No.285 of 2009, Tr.No.3857 of 2010, subject to conditions laid down under Section 438(2) CrPC.

(Shiva Kirti Singh, J.) sk