

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.84 of 2015

Arising Out of PS.Case No. -161 Year- 2014 Thana -WARISNAGAR District- SAMASTIPUR

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Adyanand Mishra, Son of Dayanath Mishra, R/o Village Mathurapur Loha
Godon Kalimandir (Mathurapur O.P.), P.S. Warisnagar, District
Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 10-03-2015 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest in a case under
Section 498A, 304(B) and other sections of the Indian Penal Code.

The informant-deceased made her statement that on
23.07.2014 while she was preparing tea, her brothers-in-law,
mother-in-law, sisters-in-law sprinkled Kerosene Oil and ignited
fire in her body.

Learned counsel for the petitioner submits that the
victim Neelam Mishra made her statement on 23.07.2014 at 04.30
hours before A.S.I. Onkar Nath Pandey in Janta Hospital,
Samastipur. On the next day, when her father came, she again
made her statement before the A.S.I. on the basis of which the
present F.I.R. was lodged.



It is submitted that in the first statement, the victim alleged that she caught accidental fire while cooking food. It is further submitted that Lukhiya Devi in para 17 and the son of the deceased in para 108 of the case diary have stated different story that on account of accident, the deceased caught fire and died on account of burn injuries. The petitioner is a Computer Operator in the Registry Office at Kishanganj. The location of his mobile was taken and it was found that the petitioner, at the time of accident, was at Kishanganj.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

It appears that the informant made her statement before her father on 24.07.2014, on the basis of which, the present F.I.R. was lodged. She made a very specific allegation against the petitioner and other accused persons that they all sprinkled Kerosene Oil and ignited fire with an intention to kill her. Surprisingly, it appears that the same A.S.I. is said to have taken the statement of the victim Neelam Devi on 23.07.2014, i.e., the date of occurrence, but he did not take any steps for lodging the case. The victim in her statement has made a specific allegation that it was the petitioner and others who burnt her. Hence, I am not inclined to enlarge the petitioner on anticipatory bail in

Warisnagar P.S. Case No. 161 of 2014. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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