

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32223 of 2014

Arising Out of PS.Case No. -2 Year- 2014 Thana -KASMA District- AURANGABAD

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SRI KANT SHARMA, SON OF LAV KUSH SHARMA, RESIDENT OF
VILLAGE-MAHUYAIEN, P.S.-KASMA, DISTRICT-AURANGABAD
(BIHAR).

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Roy (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 28-04-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Deceased, Parwati Devi died of burn while staying at
her Sasural, during course of treatment.

It has been submitted on behalf of petitioner that he
happens to be husband of deceased. It has also been submitted that
his parents have already been released on an anticipatory bail vide
Cr. Misc. No.20139 of 2014. Also submitted that from the further
statement of informant, it is apparent that petitioner usually resides
at Mumbai to earn his livelihood and accordingly, was not at all
present at his house on the alleged date and time of occurrence. He
came from Mumbai after cremation.

Learned Additional Public Prosecutor opposed the

same.

None is an eyewitness to occurrence. Villagers have stated that deceased had caught fire while she was basking her calf and for that had lit fire which ultimately cost her life. However, all have seen the deceased lying in Aangan in burnt condition and then thereafter, she was lifted to hospital by her mother-in-law.

In order to search out whether the occurrence happens to be accidental one, suicidal or homicidal, postmortem report has been called for and from perusal of the same it is evident that both palm of deceased was not at all burnt. Had there been accidental fire and as none was present then in that event, deceased might have tried to extinguish fire to save her life and during course thereof, must have sustained burn injury on her palm. Contrary to it the burnt injury has been found in front of chest, back of chest, front of abdomen, back of abdomen, front of thigh, back of thigh up to knee. In likewise manner she had not sustained any burn injury over her neck, face as well as below the knee.

That being so, it suggest otherwise. Moreover having status of petitioner to be husband that too carrying an allegation of demand since before the occurrence, is another circumstances

which did not justify the prayer for anticipatory bail. Prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J.)

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