

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11310 of 2015

Arising Out of PS.Case No. -66 Year- 2014 Thana -KALYANPUR District- SAMASTIPUR

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1. Javed Alam @ Md. Jawed Alam S/o Marhum Ismail Resident of Village Saidpur, P.S. Mithunpura, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raghwanand

For the Opposite Party : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 22-05-2015

Petitioner being husband of the victim is languishing in custody since 28.11.2014 in a case registered for the offences punishable under Sections 307, 498A of the Indian Penal Code. Subsequently Section 302 I.P.C was also added.

The prosecution case is based on the written report of the victim where she has alleged that she married with the petitioner in the year 2002 though petitioner was already married from before. Subsequently the informant was being tortured and her pregnancy got terminated. On 11.04.2014 the petitioner came to the parents' house of the informant and after pouring kerosene oil put her on fire. The case was registered on 14.04.2014 under Sections 307, 498A of the Indian Penal Code. The victim died on 30.04.2014 and thereafter Section 302 I.P.C was also added.

It is submitted by learned counsel for the

petitioner that for the occurrence of 11.04.2014, tutored F.I.R was registered on 14.11.2014 and the victim died after about fifteen days of the occurrence when the victim was provided medical assistance. Admittedly the victim was at her parents' house and in order to save the parents' the petitioner has been roped in the present case since relationship between the petitioner and the victim was sour. The medical prescription of the Sadar Hospital, Samastipur does not reflect that informant received any serious injury as she was discharged after providing first aid as outdoor patient.

It is submitted by learned counsel for the State that witnesses have supported the accusation and the victim died due to the burn injury.

Considering the fact that the prosecution case is based on the written report of the victim herself, this Court is not inclined to grant bail to the petitioner. Accordingly the application is dismissed in connection with Kalyanpur P.S. Case No. 66 of 2014, pending in the Court of learned Chief Judicial Magistrate, Samastipur.

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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