

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18843 of 2016

Arising Out of PS.Case No. -31 Year- 2015 Thana -HABIBPUR District- BHAGALPUR

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Md. Firoj, Son of Md. Farooque, Resident of Village - Khilafat Nagar,
Shahjangi, Police Station - Habibpur, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party : Mr. Nirmala Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 20-10-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with S.Tr. No.
452 of 2015 arising out of Habibpur P.S Case No. 31 of 2015
registered for the offences punishable under Sections 341, 323,
326, 307, 120(B) of the Indian Penal Code, section 3/4 of Dowry
Prohibition Act and section 304(B) of the Indian Penal Code.

Allegedly, Bibi Hena was married with the petitioner
seven months ago and due to non-fulfillment of demand of Rs.
1,00,000/- the petitioner used to assault her at the instigation of
mother-in-law and father-in-law and further all burnt her after
sprinkling Kerosene Oil on her body and thereafter they fled away
from the house. The brother of the informant was called by the
villager and then she was brought at Jawaharlal Nehru Medical

College and Hospital, Bhagalpur, but during treatment she died.

Submission is of false implication and that the statement of the informant has not been made in presence of the Doctor, there is no signature of Doctor or any medical staff on the fardbeyan, she was not in a position to give her statement. As a matter of fact, she died due to burn injury which she received when she was cooking food. The brother and mother of the deceased have sworn affidavit showing innocence of the petitioner and others and further that she received burnt injury at the time of cooking and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P seriously opposes by submitting that the informant before her death has stated as how she was burnt.

In the facts and circumstances stated above, at present, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

However, the petitioner may renew his prayer for bail after examination of the brother and mother of the deceased during trial.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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