

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15297 of 2016

Arising Out of PS.Case No. -86 Year- 2014 Thana -PAROO District- MUZAFFARPUR

1. Arjun Singh son of Late Ravindra Singh Resident of Village - Mohjama,
P.S. - Paroo, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. M.Rab(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-07-2016 Heard learned counsel for the petitioner and the State.

Petitioner being the husband of the victim is apprehending his arrest in a case registered for the offences punishable under Sections 302, 498A/34 of the Indian Penal Code.

The prosecution case is that the informant's daughter Rekha devi was married with the petitioner eight years prior to the lodging of the First Information Report. It is alleged by the informant that after the marriage there was demand of dowry and for non fulfillment of dowry demand the daughter of informant was tortured by the petitioner and his mother. On 30.04.2014 co-villagers of the petitioner informed the informant that informant's daughter has been caused burn injuries by the petitioner and his mother. When the



informant reached to the in-laws house of his daughter, she conveyed that the petitioner and his mother poured Kerosene oil and lit the fire. The informant took the victim to Paro Hospital thereafter to S.K.M.C.H., Muzaffarpur, but she subsequently succumbed to injuries.

It is submitted by the learned counsel for the petitioner that admittedly, the victim died after eight years of marriage. Hence, the accusation of torture for non fulfillment of dowry demand is unreasonable. The independent witnesses have stated during investigation that the victim received accidental burn injuries while cooking food. Petitioner being husband of the victim took her to Paro Hospital from thereto S.K.M.C.H. Neither the First Information Report nor the subsequent statement of the informant suggests that the victim stated about the causing of burn injuries to the informant in presence of any witnesses, which clouds the claim of the informant that his daughter implicated the petitioner and others. It is further submitted that informant has retracted from the initial version and filed a petition to that effect before learned court below.

Learned A.P.P. after going through the case diary submits that there is specific accusation levelled by the informant in the First Information Report and the petitioner is the husband of the victim.

Considering the nature of accusation, this Court is

not inclined to interfere.

However, keeping in view of the fact that independent witnesses have not supported the accusation and retracted version of the informant, it is a case for consideration of prayer for regular bail, let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Paroo P.S. Case No. 86 of 2014, pending in the court of learned Sub-Divisional Judicial Magistrate, West Muzaffarpur.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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