

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27748 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -MANIGACHI District- DARBHANGA

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1. Raja Babu Son of Late Pawan Sharma Resident of village - Jagdishpur,
P.S. Manigachhi, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

3 31-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being brother of the husband of the informant-victim is languishing in custody since 16.3.2016 in a case registered for the offences punishable under Sections 341,344,323,326,307,498A,504 and 506/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act. Subsequently, section 302 IPC was also added.

The prosecution case as per the fardbeyan of the victim recorded on 15.3.2016 at DMCH, Darbhanga is to the effect that the informant-victim was married with Raju Sharma three years prior to the occurrence but torture was inflicted for non-fulfillment of dowry demands. On 6.2.2016, it is alleged that the accused persons including the petitioner poured kerosene oil but on alarm

being raised the witnesses came then the accused persons tried to conceal the evidence. On information, brother and mother of the informant-victim came then the accused persons started fleeing away. When the brother and mother of the informant-victim came inside the house they found her in semi unconscious position. It is specifically alleged that the petitioner snatched the child from the lap of the informant-victim. It is further alleged that Sibia Devi poured kerosene oil, Rubi Devi caught hold of the informant victim and co accused Raju Sharma, the husband of the informant lit the fire. Subsequently the victim died on 29.3.2016.

It is submitted by the learned counsel for the petitioner that the accusation of pouring kerosene and lighting fire is against co accused Sibia Devi and the husband of the informant. Only accusation against the petitioner is that he snatched the child from the lap of the informant-victim. It is further submitted that the mother of the informant-victim retracted from the initial version and has filed a petition to that effect before the learned court below. The specific accusation is against the husband of the informant who is in custody.

It is submitted by learned APP, after going through the case diary, that the petitioner also participated in the entire occurrence when the informant-victim was caused burn injury and

the case was registered on the fardbeyan of the victim though the same was recorded with inordinate delay.

Considering the nature of accusation, this court is not inclined to grant bail to the petitioner at present in connection with Manigachhi P.S. Case No. 48 of 2016 pending in the court of learned SDJM, Darbhanga.

This application is, accordingly, dismissed. However, let the trial be expedited.

(Dinesh Kumar Singh, J)

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