

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43695 of 2016

Arising Out of PS.Case No. -108 Year- 2015 Thana -BARBIGHA District- SEIKHPURA

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Bablu Paswan Son of Lala Paswan Resident of Village- Baidhnathpur
(Kajichak), Police Station- Barbigha, District Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 16-12-2016 Heard both sides.

The petitioner seeks bail in Barbigha (Keoti O.P.) P.S.
Case No. 108/2015, registered for the offences punishable under
Sections 304B and 34 of the Indian Penal Code.

The informant mother of the deceased alleged that her daughter was married to the petitioner on 29.01.2015, but immediately after marriage the petitioner and his family members began to demand dowry. The daughter of the informant also disclosed the facts that the accused persons were demanding Hero Honda motorcycle and Rs. 50,000/-. Even on 09.03.2015 the petitioner threatened his wife of dire consequence, if the demand was not made. On 19.03.2015 the informant got information that her daughter was burnt, she went there, her daughter disclosed that petitioner and others sprinkled kerosene oil and ignited fire.

Learned counsel for the petitioner submits that on



19.03.2015 itself at night the victim made her statement before Dani Prasad Singh A.S.I. P.S. Barbigha, Referral hospital, Barbigha in presence of petitioner and she disclosed that she got burn injury in accidental fire. Her husband brought her to hospital for treatment. The statement of the victim before the A.S.I. demolishes the entire prosecution case. It is submitted that the witnesses have also stated that the deceased accidentally caught fire, in which she got burn injuries. It is also submitted that occurrence took place on 19.03.2015, but the F.I.R. was lodged on 28.03.2015. But from perusal of the statement of mother of the deceased, it appears that the deceased disclosed to her mother that the petitioner and others sprinkled kerosene oil and ignited fire. The so-called statement of the deceased was not made before the doctor although the deceased was under treatment. The A.S.I. produced the so-called statement of the deceased only after lodging the F.I.R. The deceased died due to burn injuries within one year of her marriage.

Considering the facts aforesaid and the fact that petitioner is the husband of the deceased, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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