

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9932 of 2016

Arising Out of PS.Case No. -32 Year- 2014 Thana -RUPASPUR District- PATNA

Mukesh Kumar @ Mukesh Prasad Singh, Son of Janak Prasad Singh,
Resident of Sidharth Nagar Nalapar, P.S. Rupaspur, Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-04-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner, who is the husband, apprehends
arrest in connection with Rupaspur P.S. Case No.32/14 for
offence alleged under Section 304-B of the Indian Penal Code.

The prosecution case, as lodged by the
informant, is that due to non-fulfilment of demand of dowry
petitioner poured kerosene oil on the body of the sister of the
informant and lit fire causing burn injuries. She was admitted
to P.M.C.H. and succumbed to the burn injuries.

It has been submitted by the learned counsel
for the petitioner that he is innocent having no criminal
antecedent and has falsely been implicated in the aforesaid



case. It has further been submitted that while cooking food the deceased sustained burn injury and finally succumbed. Counsel further submits that the petitioner too sustained burn injury and that no case under Section 304-B I.P.C. is not made out against him as the marriage is of the year 2000, she has two daughters between the age group of 12-13 years and that soon before her death she was subjected to cruelty or harassment by her husband is also not made out. Furthermore, counsel for the petitioner submits that there has been a joint compromise between the parties, which finds place at Annexure-3 of this petition.

However, learned APP for the State submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Since the allegations against the petitioner are general and the marriage is also of more than 7 years, and that from the First Information Report, it does not appear that soon before her death the deceased was subjected to cruelty, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount

each to the satisfaction of Addl. Chief Judicial Magistrate,
Danapur, Patna, in connection with Rupaspur P.S. Case No.
32/14, subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--