

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57796 of 2015

Arising Out of PS.Case No. -105 Year- 2015 Thana -MAHARAJGANJ District- SIWAN

1. Shambhu Bharti Son of Lalan Bharti Resident of Village - Baliya Pokhara, P.S. - Maharajganj, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. C.Sen Prasad Singh (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-02-2016 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. representing the State.

The petitioner seeks bail in connection with Maharajaganj P.S. Case No. 105 of 2015 registered for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

Allegedly, Madhu Devi, the sister of the informant was married to petitioner in the year 2012 and due to non-fulfillment of demand of dowry she was being assaulted and tortured and ultimately on 01.05.2015 she was burnt by the petitioner and other in-laws, she was brought to P.M.C.H. and during treatment she died on 08.05. 2015.

Submission is of false implication and that there was

cordial relationship between the petitioner and the wife, the petitioner never demanded any dowry, she received accidental burn injury, she was brought at once for treatment at Sadar Hospital and from there she was referred to P.M.C.H. and, as such, the petitioner who is suffering in custody since 11.08.2015, deserves sympathetic consideration. It is also submitted that in this case after completing investigation, chargesheet has been submitted under Section 306 IPC.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that when the sister of the informant was admitted in emergency ward at P.M.C.H., her statement has been recorded by the police officer where in she has narrated as to how she was burnt by the petitioner and other in-laws and, as such the petitioner who is the husband does not deserve bail.

In the facts and circumstances stated above, considering the statement of the deceased which she has given before her death, this court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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