

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44971 of 2016**

Arising Out of PS.Case No. -305 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Brajesh Kumar Singh S/o Bharat Singh Resident of Village- Sital dear  
Alakh tola, P.S. Revilganj, Distt- Saran at Chapra, Presently resides at  
Quarter No. - F1/51 Barauni Refinery Township Distt- Begusarai.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Basant Kumar Singh

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA**

**C.A.V. ORDER.**

- 5      16-12-2016      1. The matter has been listed under the heading “For  
Orders.”
2. I have already heard all the concerned parties.
3. Petitioner is in jail custody since 04.07.2016 in a  
case, initially, registered for the offences punishable under Section  
307 and other minor sections of the Indian Penal Code but later  
on, Section 302 of the Indian Penal Code was also added.
4. Informant, Vibha Devi @ Sapna gave her  
ferdbeyan on 26.06.2016 to this effect that petitioner poured  
kerosene oil and lit fire on her person. The informant died in  
course of her treatment.
5. The main contention of learned counsel for the



petitioner was that the post mortem report of the informant goes to show that she got 90 % burn injury and therefore, the aforesaid injury goes to show that she could not have made detailed statement before the police and as a matter of fact, the informant attempted to commit suicide but later on, in connivance with the police, the husband of informant implicated the petitioner and others in this case due to previous enmity and dispute.

6. On the other hand, learned counsel appearing for the informant, vehemently, opposed the bail petition submitting that the ferdbeyan of the informant is amount to her dying declaration and moreover, the photographs of the informant go to show that she was in fully conscious state of mind when she was brought to the hospital.

7. Regard being had to the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Begusarai Town P.S. Case No. 305 of 2016 pending in the court of Chief Judicial Magistrate, Begusarai stands rejected.

**(Hemant Kumar Srivastava, J)**

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