

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35402 of 2016

Arising Out of PS.Case No. -276 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Pawan Kumar, Son of Kamaldeo Prasad Sah, resident of Mohalla- Gandhi
Nagar Ramna, P.S. Motihari Town, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate.

For the Opposite Party : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-10-2016 Heard learned counsels for the petitioner, informant and

learned counsel for the State.

The petitioner is languishing in custody since 24.04.2016
in connection with Motihari Town P.S. Case No. 276 of 2016 for
the offences instituted under Section 302 of the IPC.

The prosecution story, in brief, is that Gayatri Kumari,
the daughter of the informant, was married in the year 2002 with
this petitioner and after the marriage, the relationship within two
years was normal. Thereafter, the petitioner started assaulting his
daughter for bringing articles, vehicles, failing which she will be
murdered. In the meantime, on 23.04.2016 at 11 to 11.30,
petitioner made an attempt to burn her daughter after pouring



Kerosene Oil and accordingly, she was admitted to Rahmaniya Hospital, where she died during the course of treatment and when the informant arrived there he got knowledge that the petitioner after pouring Kerosene Oil put and thereafter having burnt her brought to hospital. It has been also stated that the sons of her daughter, namely, Golu Kumar and Suddu Kumar, have also informed him that this petitioner burnt their mother by fire.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.04.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He has falsely been implicated in the present case. There is no eye witness to the alleged occurrence. The incident has taken place after 14 years of marriage. Regarding the death of the deceased, U.D. Case No. 06 of 2016 was also instituted on 18.06.2016 by the petitioner vide Annexure-2 to the present application.

On behalf of learned counsels for the informant and the State, it has been submitted that the petitioner is named in the F.I.R. and he is the husband of the deceased. U.D. Case instituted by the petitioner has not been supported in course of investigation of the present case. The onus is on the petitioner to explain the

cause of death of his wife.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Motihari Town P.S. Case No. 276 of 2016, pending in the court of the learned C.J.M. Motihari.

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(Sudhir Singh, J)