

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35216 of 2016

Arising Out of PS.Case No. -83 Year- 2009 Thana -BHEJA District- MADHUBANI

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Shankar Jha son of Digambar Jha, Resident of village- Tengraha, P.S.-
Bheja, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 08-09-2016

Heard learned counsels for the petitioner and
the State.

The petitioner being the husband of the
victim is languishing in custody since 10.06.2016 in a case
registered for the offences punishable under Sections 498A, 494,
302, 109 and 120B/34 of the Indian Penal Code.

The prosecution case is that on 20.11.2009
at 7.00 P.M. on rumor she went to her parental aunt's house, the
victim Renu Devi, and found that there was fire inside the room
and the room was closed and the victim was crying then the room
was broke opened and fire was extinguished. The victim suggested
the informant that her husband, the petitioner Shankar Jha and the
mother-in-law Buchain Devi have killed her. The victim after

sometime died.

It is submitted by learned counsel for the petitioner that the petitioner has no occasion to kill her since the marriage was dissolved between the petitioner and the victim in pursuance to the judgment passed in H.M.A. No. 317 of 2008 by learned Additional District Judge, Karkardooma, Delhi and hence, on suspicion the accusation has been levelled. It is further submitted that, though, the accusation of causing burn injury but the post-mortem report reflects superficial burn injury and that was not the cause of death.

Learned counsel for the State after going through the case diary submits that it is the admitted fact that the victim was residing in the house of the petitioner and she died in the house of the petitioner.

Considering the rival submissions of the parties, the victim being the wife of the petitioner, residing in the house of the petitioner and died in the house of the petitioner are admitted facts. The specific case of the informant that the victim suggested that she was being killed by the petitioner and her mother-in-law by causing burn injury. The post-mortem report reflects superficial burn injury but on dissection of the neck the doctor has found fracture of larynx and trachea. Keeping in view

of the nature of accusation being corroborated by the post-mortem report, this Court is not inclined to grant bail to the petitioner in connection with Bheja P.S. Case No. 83 of 2009 pending in the court of learned Judicial Magistrate, Ist Class, Jhanjharpur.

Accordingly, the prayer for bail of the petitioner is rejected.

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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