

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10841 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -SAHIYARA District- SITAMARHI

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Rajesh Singh S/o Rambabu Singh, R/o Village- Harkesh, P.S.- Sahiyara,
District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Aditya Prakash Sahay, Advocate.

For the Opposite Party : Mr. Md. Sufiyan, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-04-2017 Heard both sides.

The petitioner apprehends his arrest in Sahiyara P.S. Case No. 138 of 2016 registered for the offences punishable under Sections 307, 498A and other Sections of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act. Later on Sections 304B and 34 of the Indian Penal Code were added.

The informant, herself, made statement on 04.11.2016 in I.T. Memorial Hospital, Muzaffarpur on the basis of which the present FIR was registered and later on the informant succumbed to the injuries. The informant disclosed the name of the petitioner along with other accused persons including her husband that the accused persons were torturing her due to non-fulfillment of additional demand of dowry. The informant alleged that her brother-in-law injected her and thereafter somebody ignited kerosene oil and set her ablaze. The



informant was brought to hospital in Sitamarhi from where she was referred to Muzaffarpur in private nursing home.

Learned counsel for the petitioner submits that the petitioner is brother-in-law of the deceased. The occurrence took place on 30.10.2016 but the fardbeyan was made on 04.11.2016. It is further submitted that on such the FIR was lodged on 07.11.2016. The informant made her statement in Sitamarhi which has come in paragraph-25 of the case diary and in his first statement she disclosed that she got fire from LPG cylinder, but it appears from the perusal of the entire case diary that almost all the witnesses have stated that the deceased was subjected to all sorts of torture. The statement of the deceased recorded at Sitamarhi does not bear signature of any independent witness. The deceased made her statement in Muzaffarpur hospital before the witnesses and she disclosed that the accused persons including the petitioner sprinkled kerosene oil and ignited fire on her body.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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