

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46036 of 2017**

Arising Out of PS.Case No. -65 Year- 2017 Thana -LAHERIMUHALLA District- NALANDA  
(BIHARSHARIFF)

=====

Ajay Kumar, Son of Late Ramji Mahto, Resident of Village-  
Kamruddinganj, P.S.-Laheri, District-Nalanda.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Surendra Kumar Mishra, Advocate  
For the Opposite Party : Mr. Sri Aditya Narayan Singh 1 (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3      12-12-2017                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

The petitioner apprehends his arrest in connection  
with Laheri P.S. Case No. 65 of 2017, registered for the offence  
punishable under Section 304(B)/34 of the Indian Penal Code.

On the basis of complaint petition this case has been  
registered wherein there is allegation that the daughter of the  
complainant was burnt by sprinkling K. oil on her body and  
thereafter she was brought in P.M.C.H. and the petitioner  
informed regarding her condition and then the complainant and  
others went there and the daughter of the complainant was brought  
in Samrat Emergency Trauma Hospital, Janta Nagar Co-operative  
Colony, Bhagwat Nagar, Patna, where police took up her



statement and her signature was obtained on plain paper. The police in collusion of the accused persons manufactured the fardbeyan of the daughter of the complainant though the daughter of the complainant was unconscious and she was not in a position to give her statement. The petitioner and others killed her by burning her.

Submission is of false implication and that Guriya Devi, the wife of the petitioner died on 16.11.2016 and the complaint petition has been filed on 11.01.2017 after much delay in Samrat Emergency Trauma Hospital, Janta Nagar Co-operative Colony, Bhagwat Nagar, Patna, the statement of the wife of the petitioner was recorded where on her father Ram Prasad has also signed besides the petitioner which is attached with the case diary. The wife of the petitioner has stated in her statement that she was burnt when she was pumping the air in stove, resulting, she became injured and she was brought at Biharsharif for treatment from where she was referred to P.M.C.H. and in P.M.C.H. she was treated and thereafter her *Naihar* people came and brought her at this hospital. She has stated that no one is responsible for the incident and, as such, the petitioner being innocent deserves sympathetic consideration.

The learned A.P.P. on the other hand, submits that the mother of the deceased has stated otherwise.



In the facts and circumstances as stated above, considering the statement of the deceased before her death, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1<sup>st</sup>, Nalanda at Bihar Sharif, in connection with Laheri P.S. Case No. 65 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

**(Jitendra Mohan Sharma, J.)**

Rajiv/-

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