

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52414 of 2017

Arising Out of PS.Case No. -184 Year- 2017 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Brijesh Mahto S/o Parsan Mahto Resident of village- Kharg Pokhariya,
P.S.- Chanpatiya, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Chanpatiya
P.S. Case No. 184/2017 dated 24.05.2017 which was initially
instituted for the offence under Section 304B of the Indian Penal
Code, but later charge sheet was submitted under Section 302 of the
Indian Penal Code.

The petitioner is the husband of the deceased. One Lal
Bahadur Mahto, father of the deceased, has lodged the F.I.R. alleging
that on 24.05.2017, he was informed by the petitioner that the
deceased has been burnt by fire and is being treated in M.J.K.
Hospital, Bettiah. When he went to see his daughter, she is said to
have told the informant that the petitioner set her on fire because she
had not prepared food of his choice. Later, the deceased died in the
emergency ward of the hospital.

Hence, the aforesaid F.I.R.



Mr. Sanjeev Kumar, learned counsel for the petitioner, has drawn the attention of this Court to the fact that the death took place on 24.05.2017, but the F.I.R., which was lodged on the same day, was seen by the Chief Judicial Magistrate after about four days. He has further submitted that paragraph 12 of the case diary contains the statement of the deceased, in which she has not stated anything about her being tortured for dowry, but in the aforesaid statement she has spoken about her being set on fire by her husband (petitioner) for not making food of his choice. It has further been submitted that if the aforesaid statements of the deceased were true, that only should have been the basis of the F.I.R. In this background, it has been suggested that the delay of four days in sending the case to the Chief Judicial Magistrate creates doubt about the correctness of the prosecution version.

These grounds cannot be appreciated at this stage where the allegation squarely is against the petitioner, being the husband, of setting the deceased on fire leading to her death.

Considering the aforesaid facts, this Court is not inclined to grant bail to the petitioner.

The prayer for bail of the petitioner is rejected.

(Ashutosh Kumar, J.)

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