

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25738 of 2018

Arising Out of PS. Case No.-169 Year-2016 Thana- SHASTRINAGAR District- Patna

Abhishek Kumar, son of Shatrughan Prasad, Resident of Mohalla- House No.- A/5, A.G. Colony, Near Samudayik Bhawan, P.S.- Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate
For the State	:	Mr. Anand Mohan Prasad Mehta, APP
For the Informant	:	Mr. Amit Narayan, Advocate Mr. Jeetendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioner, learned APP
for the State and the learned counsel for the informant.

The petitioner seeks bail in Shashtrinagar P.S. case No.169 of 2016 (Sessions Trial No.665 of 2016) registered under Sections 341, 342, 323, 326, 307, 498A/34 of the I.P.C. and subsequently added Sections 302, 304(B) of the I.P.C., pending in the court of Additional Sessions Judge VII, Patna.

Allegation is that the accused persons including the petitioner sprinkled kerosene oil upon the informant and set her on fire, due to which she died during treatment.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.04.2016 and has got no



criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The deceased is said to have committed suicide as she was unemployed and out of frustration she has committed this act. The petitioner had taken the plea of lunatic before the court below. The Medical Board was also constituted, where the petitioner had not been held lunatic and accordingly, the court below passed an order dated 11.10.2017, which is Annexure-5 to the present application.

On behalf of the State and learned counsel for the informant, it is submitted that the deceased is the informant of this case. F.I.R. is her dying declaration, where she has made specific allegation against the petitioner, who is the husband of the deceased. The witnesses in paragraphs 109 and 110 of the case diary have also supported the prosecution case. The said witnesses are the independent witnesses.

Considering the aforesaid facts and circumstances, I am not inclined to granted bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to frame charge within a period of four months from the date of receipt/production of a copy of this order and conclude the trial



within a period of one year thereafter.

(Sudhir Singh, J)

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