

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15031 of 2019

Arising Out of PS. Case No.-213 Year-2017 Thana- Parbatta District- Khagaria

Bhawani Shankar Kumar, S/o Late Awadhesh Mandal Resident of Village-
Temtha, P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh
For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-07-2019 Heard the learned counsel for the petitioner and

the State.

The prayer for bail of the petitioner was earlier
twice rejected; firstly *vide* order dated 08.12.2017 passed in
Cr. Misc. No. 46876 of 2017 and secondly on 27.06.2018
passed in Cr. Misc. No. 29132 of 2018.

The petitioner is alleged to have raped the
victim/deceased and thereafter set her on fire. In the dying
declaration, the victim/deceased has named the petitioner as
the perpetrator of the crime.

Learned counsel for the petitioner has submitted
that shortly before the dying declaration, the brother of the



deceased had also lodged a UD case intimating that the deceased caught fire while cooking food and nobody is responsible for her death.

It has further been submitted that now two witnesses have been examined in the trial; one being the doctor. The doctor has deposed that the deceased had 98% burn injuries and with such burn injuries, it was difficult for her to have made a dying declaration.

This Court is not impressed by the aforesaid arguments. These issues can be wrested out in the trial.

No good ground has been made out by the learned counsel for the petitioner to take any different view in the matter relating grant of bail to the petitioner during the pendency of the trial.

The prayer for bail is rejected.

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

