

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40689 of 2019**

Arising Out of PS. Case No.-86 Year-2018 Thana- MASHRAK District- Saran

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Anil Singh Son of Raja Ram Singh Resident of Village - Dhawari Madarpur,
P.S.- Mashrakh, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Sr. Advocate
Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

5 18-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 07.08.2018 has
filed the instant application for grant of bail in connection with
Mashrakh P.S. Case No. 86 of 2018 registered for the offence
punishable under sections 341, 323, 307 and 34 of the Indian
Penal Code and section 3/4 of the Dowry Prohibition Act to
which subsequently section 304B of the IPC was added.

As per the allegation in the FIR, the sister of the
informant who was married to the petitioner two years back was
tortured and the accused persons including this petitioner burnt
her to death for non-fulfillment of demand of dowry of a
motorcycle and Rs. 50,000/-. The informant's sister could not



be saved in spite of the informant taking her to the hospital for treatment.

It was submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The informant's sister got burnt as a result of an accidental fire caught while she was preparing meal at home. No trace of kerosene oil was found at the place of occurrence and the informant's sister died in hospital on 17.04.2018 more than two weeks after the occurrence. It was further submitted that the petitioner has no criminal antecedent and having surrendered on 07.08.2018 is in custody since then.

The application for bail was opposed by learned APP for the State submitting that the petitioner happens to be the husband of the victim. In the FIR as also in paragraph nos. 22 and 23 of the case diary, the witnesses have supported the allegations of demand of dowry and burning the victim with kerosene oil. It was further submitted that from perusal of the postmortem report it would transpire that there was 100 % burn of the whole body with charred skin.

Having heard learned counsel for the parties and taking into consideration the nature of relationship, allegation against the petitioner as also the material that has transpired in course of



investigation, the Court is not inclined to grant bail to the petitioner and as such the petitioner's application for bail is rejected.

(Partha Sarthy, J)

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