

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75741 of 2018

Arising Out of PS. Case No.-177 Year-2018 Thana- BARURAJ District- Muzaffarpur

Devendra Sah Son of Bindeshwar Sah, Resident of village Bararuj, P.S.
Bararuj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza
For the Opposite Party/s : Smt. Anita Kumari Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-01-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
07.08.2018 in connection with Bararuj P.S. Case No. 177 of
2018 for offences punishable under Sections 302, 120(B), 34 of
Indian Penal Code.

The prosecution case as lodged by the informant is
that his daughter (Gita Devi) was married to the petitioner 15
years back and had four children, three daughters and one son.
He received information that the petitioner along with his family
members have poured kerosene oil and burnt her and was taken
to the hospital for treatment. In the hospital, she gave statement
before the police but died a day after the incident.

It has been submitted by the learned counsel for the



petitioner that he is innocent and just because he is the husband, he has been made accused in the present case. It is further submitted that the victim's 12 year old daughter has stated in her statement that there was a fight between the petitioner and his deceased wife and his mother poured kerosene oil and burnt herself. It has also been submitted that the place of occurrence as described in para-13 of the case diary also shows that she committed suicide by pouring kerosene oil at the back of the house. He further submits that cognizance has been taken against the petitioner not under Section 302 but under Section 306 of the IPC and the dying declaration which has been noted by the police in para-21 of the case diary is not believable as the postmortem report specifies 90% burn.

However, learned APP for the State opposes the prayer for bail stating therein that over a petty matter the petitioner's wife has been burnt by pouring kerosene which is evident from the statement of the deceased before the police which was a dying declaration.

Considering the facts and circumstances of the case and materials on record, I am not inclined to grant the privilege of bail to the petitioner in connection with Bararuj P.S. Case No. 177 of 2018 pending before the court of the learned Chief



Judicial Magistrate, Muzaffarpur.

The bail application is accordingly rejected.

(Nilu Agrawal, J)

devendra/priyanka

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