

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57613 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- MAINATAND District- West Champaran

JITENDRA SAH Son of Shambhu Sah Resident of Village- Mainatar, Police
Station- Mainatar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-12-2019 Heard both sides.

The petitioner seeks bail in Mainatar P.S. case No.
133/2018 registered under Section 304B of the IPC.

The father of the deceased alleged that on 16.11.2018
he got information from elder brother-in-law of his daughter that
his daughter was burnt to death. When the informant, after
having received such information, went to the house of his
daughter he found his daughter lying dead. Blood was oozing
out from both the nostrils. After observing the dead body the
informant disclosed that his daughter was throttled to death and
thereafter her body was burnt. The informant further disclosed
that husband and other in-laws were demanding motor cycle and
due to non fulfillment of demand of motor cycle his daughter
was done to death.



The learned counsel for the petitioner submits that the deceased died after five years of her marriage. In fact the deceased got burn injuries while cooking. The brother of the petitioner is said to have informed the informant that the deceased was burnt to death but there is no smell of kerosene oil nor any carbon particle was found inside the nostril or lung. It is submitted that two child are living without any care of father or mother and the wife of petitioner died unnatural death in an accident but from perusal of the post mortem report, it appears that the deceased was burnt after she was killed by throttling and this fact itself corroborates the allegation that petitioner firstly killed his wife and thereafter tried to burn the dead body inside the house.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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