

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59706 of 2019

Arising Out of PS Case No.-48 Year-2019 Thana- ISUAPUR District- Saran

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Sagirul Haque, aged about 84 years, Gender-Male, Son of Late Abdul Sattar,
Resident of Village - Chandpura, P.S.- Isuapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Anis Akhtar and Mr. Arif Daula Siddiquie, Advocates
For the Opposite Party No. 2	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 27-11-2019

Heard learned counsel for the petitioner; learned A.P.P.
for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioner has moved the Court seeking pre-arrest bail in connection with Isuapur PS Case No. 48 of 2019 dated 31.03.2019 instituted under Sections 302, 201/120(B) of the Indian Penal Code.

3. The petitioner, along with three others, is accused of killing his wife by burning her.

4. Learned counsel for the petitioner submitted that he is 84 years old and was married to the deceased in the year 1971. It was further submitted that due to accident, while the deceased was



cooking, she caught fire which resulted in her death. It was further submitted that the informant, who is the brother of the deceased, has lodged a false case only because he was being pestered by the deceased for her share in her ancestral property.

5. Learned APP and learned counsel for the informant, from the case diary, submitted that the witnesses, who are neighbours, have stated the role of the petitioner and further that the theory of the deceased catching fire while cooking is totally negated by the fact that the body was recovered not from the kitchen but from the room in which smell of kerosene has been found. Learned counsel submitted that the body was also buried without getting any postmortem done and only upon lodging of the FIR, the police had exhumed the body and postmortem was performed. It was further submitted that during investigation, the doctor, who is said to have been consulted when the deceased had caught fire, had stated that he had advised for admitting the deceased but she was taken away. It was further submitted that the fact that a defence has been taken that the deceased died while cooking indicates that things were not good in the home as an 80 years old lady having to cook for the family speaks volumes. It was further submitted that witnesses have also indicated that the petitioner has illicit relationship with his daughter-in-law which



was objected by the deceased and is a strong indicator in support of the prosecution case.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

8. Interim protection granted earlier by order dated 23.09.2019, stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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