

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7882 of 2020

Arising Out of PS. Case No.-301 Year-2019 Thana- RAJAON District- Banka

Mahendra Sharma S/o Virani Sharma R/o village- Kotwali, P.S.- Nawada
Bazar (Rajaoun), District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 24-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner, learned
APP appearing for the State and learned counsel appearing for
the informant.

The petitioner, being the father-in-law of the
victim-informant, is languishing in custody since 15.10.2019 in
a case registered for the offences punishable under Sections 341,
323, 326, 307, 498A and 504/34 of the Indian Penal Code,
hence, the prayer for bail has been made through the present
application.

The prosecution case, as per the fardbeyan of
Khusboo Devi recorded by C.O., Nathnagar on 06.07.2019 at
6.48 P.M., is to the effect that the informant was married to



Navin Sharma about a year prior to the registration of the case. It is alleged that on 05.07.2019, the informant along with her father went to in-laws' house of the informant where the in-laws family member including the petitioner started abusing the father of the victim. It is alleged that the petitioner and mother-in-law of the informant poured kerosene oil on the victim and lit the fire. Thereafter, the informant was brought to the hospital where she succumbed to the burn injury after 10 days of the occurrence.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against all the accused persons including the petitioner. On conclusion of the investigation, charge sheet was submitted under Section 498A of the Indian Penal Code and still Section 302 of the IPC has not been added, though, the death of the informant-victim is admitted.

Learned counsel for the informant submits that in pursuance to the order passed in a Criminal Writ Application, the investigating agency was directed to investigate the case properly and fairly. The fardbeyan recorded by the C.O. is dying declaration of the victim, where the specific accusation has been levelled that the petitioner and his wife poured kerosene oil and



lit the fire. The death is admitted and postmortem report suggests the death caused by burn injury.

Considering the fact that the accusation in the FIR is specific of causing burn injury by the petitioner which is corroborated by the medical opinion, this Court is not inclined to grant bail to the petitioner in connection with Nawada Bazar (Rajaun) P.S. Case No. 301 of 2019, pending in the Court of learned Chief Judicial Magistrate, Banka.

Accordingly, the prayer for bail of the petitioner is rejected.

However, if the trial will not be concluded within a period of nine months, the petitioner will be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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