

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11270 of 2020

Arising Out of PS. Case No.-97 Year-2019 Thana- SITAMARHI District- Sitamarhi

Badal Kumar, aged about 21 years, Male, Son of Mohan Sah Resident of
Village - Janki Sthan, P.S. - Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11294 of 2020

Arising Out of PS. Case No.-97 Year-2019 Thana- SITAMARHI District- Sitamarhi

Sumit Kumar, aged about 27 years, Male, S/o Mohan Sah R/o Village- Janki
Sthan, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11270 of 2020)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms.Asha Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 11294 of 2020)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 26-08-2020 Heard learned counsel for the petitioner and
learned counsel for the State in both the cases.

In both the cases, the petitioners are seeking bail in
connection with Sitamarhi P.S. Case No. 97 of 2019 registered
for offences under sections 341, 323, 324, 307, 504 and 34 of
the Indian Penal Code and Section 3 & 4 of the Dowry



Prohibition Act but, the charge-sheet has been submitted under Sections 304B/34 of the Indian Penal Code.

In the present case, the victim lady has herself narrated the story in what manner she has been killed by burning. She has stated that the accused persons put cloths in her mouth, sprinkled kerosene oil upon her body and set her on fire. She was carried to the S.K.M. College and Hospital, Muzaffarpur where she died.

Learned counsel for the petitioners submits that the petitioner Badal Kumar (in Cr. Misc. No.11270 of 2020) is the Dewar whereas the petitioner Sumit Kumar (in Cr. Misc. No. 11294 of 2020) is the husband of the victim lady.

It has been stated that the husband, at the time of occurrence, had gone to the shop and when he could know that his wife has put fire upon herself, he came to the house and carried her to the S.K.M.C.H., Muzaffarpur.

Learned counsel for the petitioners submits that four witnesses have been examined and none of them have supported the prosecution case. The landlord has been examined and he has stated that the victim has herself committed suicide. The father of the victim has also come forward and made his statement but, there is no allegation of demand of dowry. Two



other persons have also made their statement but, have not stated anything incriminating against the present petitioners.

Learned counsel for the State submits that the victim lady has herself made her statement and has given the vivid pictures in what manner she has been killed by burning.

Learned counsel for the petitioners submits that both the petitioners are languishing in judicial custody for more than 1.5 years and there is no likelihood of conclusion of the trial in near future.

Looking to the entire facts and circumstances of the case as also considering the nature of allegation made against the petitioners, this Court is not inclined to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to conclude the trial within a period of 1.5 years from the date the normal court proceeding initiates.

Both the bail applications stand dismissed.

(Shivaji Pandey, J)

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