

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13040 of 2020

Arising Out of PS. Case No.-440 Year-2019 Thana- HISUWA District- Nawada

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1. ASHOK KUMAR @ ASHOK PANDIT S/o Late Deo Kumar Pandit @ Deo Kumar R/o village- Shri Rampur, P.S.- Hisua, District- Nawada
 2. Sona Devi W/o Late Deo Kumar Pandit @ Deo Kumar R/o village- Shri Rampur, P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 02-07-2020 The present case was heard at length on 30.06.2020 and today it has been placed before this Court under the heading 'For Orders'.

The petitioners seek regular bail in connection with Hisua P.S. Case No. 440 of 2019 for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

The case of the prosecution, according to the informant, namely, Nand Kishore Pandit, is that he had solemnized the marriage of his daughter with the petitioner herein about 12 years back and two sons were born out of the said wedlock. It is further alleged that the petitioner herein and other accused persons i.e. the in-laws of the deceased lady used to torture and



harass the daughter of the informant on account of non-fulfillment of the demand for dowry and on 27.07.2019, at about 8:00 P.M. in the morning they had sprinkled kerosene oil on the body of the daughter of the informant and lit her on fire resulting in her becoming injured grievously and subsequently she succumbed to her injuries, at the emergency ward of P.M.C.H., Patna.

The learned counsel for the petitioners has submitted that the petitioner no. 1 is the husband of the deceased victim lady while the petitioner no. 2 is the mother-in-law. It is submitted that the petitioners are innocent and have been falsely implicated in the present case and they are having clean antecedent. It is submitted that the date of occurrence is 27.07.2019, however, the fardbeyan of the informant has been recorded on 05.09.2019 and the FIR in question has been registered only on 20.10.2019. It is thus submitted that in fact the petitioners were getting the deceased treated in the hospital and if they had killed the deceased victim lady on account of non-fulfillment of the demand for dowry, they would not have got the deceased victim lady treated in the hospital. It is also submitted that the two sons of the petitioner aged about 7 & 9 years have not been examined by the Police, otherwise the



actual facts would have come to the fore. Lastly, it is submitted that the petitioners are languishing in custody since 22.10.2019.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that there are sufficient materials in the case dairy so as to connect the petitioner with the alleged crime.

I have heard the learned counsel for the parties, perused the materials on record and gone through the case diary of the present case. It is apparent from the statement of the witnesses recorded by the Police during the course of investigation that the allegations levelled by the informant regarding the accused persons including the petitioners herein having poured kerosene oil on the body of the deceased victim lady and having set her on fire is correct and that is why she got burnt and subsequently died, which is also evident from the inquest report, nonetheless the Police has erroneously and without any reason submitted the charge sheet dated 16.01.2020 against the petitioners under Sections 306/34 of the Indian Penal Code. Considering the fact that there is sufficient material available in the case dairy to prima facie make out a case against the petitioners herein, I do not find the present case to be a fit case for grant of bail to the



petitioners herein especially since they are accused of having committed a heinous crime of bride burning on account of non-fulfillment of the demand for dowry, thus the present petition stands dismissed.

It appears that the Police has acted in haste and further & proper investigation is required to be conducted, thus this Court directs the Senior Superintendent of Police, Nawada to personally supervise the investigation of the present case in question and submit a progress report before the Registrar General of this Court on or before 03rd August, 2020.

Let a copy of the present order be transmitted to the Senior Superintendent of Police, Nawada for information and needful action.

(Mohit Kumar Shah, J)

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