

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10954 of 2020

Arising Out of PS. Case No.-17 Year-2017 Thana- INDUSTRIAL District- Bhagalpur

MD. AFROJ Son of Late Md. Dowan Resident of Fatehpur, P.S.- Industrial,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Dr.(Mrs.) Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-03-2020 Heard both sides.

The petitioner seeks bail in Industrial P.S. Case No.17 of 2017 registered under Sections 498A, 307, 120B/34 of the Indian Penal Code. Later on, Sections 304B and 34 of the Indian Penal Code were added.

The deceased herself made statement that while she was cooking food, her mother-in-law Bibi Mansuri, her sister-in-law, Bibi Sahida and her brother-in-law, husband of her sister-in-law(Md. Afroj) came and poured kerosene oil on her body. Her sister-in-law and the husband of her sister-in-law(Md. Afroj), the petitioner, ignited fire on her body and she got burn injury. The neighbours rushed, put off fire and brought her to hospital for treatment.

The learned counsel for the petitioner submits that the



petitioner is brother-in-law(Nandos) of the deceased. The deceased of course made her statement on the basis of which F.I.R. was lodged but the true facts are that the deceased got accidental fire and on account of some family dispute, she made her mother-in-law, sister-in-law(Nanad) and brother-in-law(Nandos) accused in the case. The deceased did not make any allegation against her husband and the husband of the deceased was not made accused in the F.I.R. Mother-in-law has already been granted bail by a co-ordinate Bench of this Court and, therefore, the petitioner also deserves bail but it appears that deceased before her death made her statement before the police on the basis of which F.I.R. was lodged. Later on, the informant succumbed to the injury and died by burn injury. She made specific allegation that her sister-in-law(Nanad) and brother-in-law(Nandos) after sprinkling kerosene oil ignited fire on her body. Prayer for regular bail of Bibi Sahida @ Bibi Rahida @ Bibi Rashida, the sister-in-law(Nanad), has already been rejected by order dated 01.07.2019 passed in Cr. Misc. No.32055 of 2019. The case of the petitioner is on the same footing and it was petitioner and his wife who are alleged to have ignited fire on the body of the deceased after sprinkling kerosene oil.



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

(Prabhat Kumar Jha, J)

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