

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19131 of 2020

Arising Out of PS. Case No.-267 Year-2019 Thana- SONBERSA District- Sitamarhi

Gautam Mishra Son of Nawal Kishore Mishra Resident of Village- Dostiya,
P.S.- Sonebarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bajrangi Sharan, Adv. Smt. Mira Kumari, Adv.
For the State	:	Mr. Ram Sevak Choudhary, APP
For the Informant	:	Mr. Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 28-09-2020 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant through
video conferencing.

The instant application for regular bail has been filed
by the petitioner in connection with Sonbarsa P.S. Case No.267
of 2019 registered under sections 307, 498A, 323 and 326 of the
Indian Penal Code and sections 3 and 4 of the Dowry
Prohibition Act.

As per allegation in the FIR, the informant states
that she was married to the petitioner about 5 years ago. She
states that the petitioner along with other accused persons used
to torture and assault her. After some agreement she started
living with her parent's where her husband was on visiting



terms. She gave birth to a boy and subsequent thereto she went to her *Sasural* however the assault once again started. It is further stated that on 26.11.2019 the petitioner and other accused persons poured kerosene oil on her and burnt her.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. No such occurrence as narrated, has taken place. It is submitted that it was as a result of an accident while cooking food that the informant sustained burn injuries. It is submitted that neither the petitioner nor any of the accused persons had any intention to cause harm or else the petitioner would not have taken the informant to hospital for treatment. It is stated that the accident took place on 26.11.2019 and it is more than a month later that her so called statement under section 164 Cr.P.C. was recorded. The petitioner has no criminal antecedent and is in custody since 8.12.2019.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only there is direct and specific allegation against the petitioner and others, but in course of investigation also, the victim informant in her statement under section 164 Cr.P.C. has supported the



allegation against the petitioner and others of having poured kerosene oil on her and of having burnt her.

Having heard learned counsel for the parties and taking into consideration the allegation as levelled in the F.I.R. together with the contents of the statement under section 164 Cr.P.C. which has been incorporated in paragraph no. 24 of the case diary, the Court is not inclined to enlarge the petitioner on bail as such his application for bail is rejected.

The learned Court below is directed to expedite the trial.

(Partha Sarthy, J)

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