

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25062 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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Shashikant Kumar Son Of Shatrughan Singh Resident Of Mohalla - Satendra
Nagar, P.S.- Aurangabad Town, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-12-2020 Heard learned counsel for the petitioner and the State
via Video Conferencing.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 302/304B of the Indian
Penal Code.

Prosecution case in brief is that the informant used to
live in the neighbourhood of her daughter's matrimonial house.
On 10.3.2019 at 12.30 PM she found that fire smoke was
coming out from the in-law's house of her daughter and when
she went there, she saw that her daughter has been set on fire by
all the FIR named accused persons including the petitioner. The
informant thereafter took her to ANMCH, Gaya for treatment
where she died during treatment.



Learned counsel for the petitioner submits that occurrence took place on 10.3.2019 but the complaint case has been lodged on 15.7.2019 without any cogent explanation of delay. It is further submitted that the informant has subsequently retracted from the initial accusation and filed a petition to that effect in the Court of the Chief Judicial Magistrate, Aurangabad. It is also submitted that other co-accused persons have already been allowed pre-arrest bail.

Learned counsel for the State opposes the prayer for bail. He submits that it is the case of bride burning and petitioner is the husband of the deceased. There is allegation of demand of dowry and committing torture on the victim and ultimately she has been burnt to death by the accused persons including the petitioner within seven years of marriage. Learned counsel further submits that the case of the petitioner cannot be equated with the case of other accused persons, as the petitioner is the husband of the victim and it is the responsibility of the husband to keep his wife with care and honour.

Considering the gravity of the allegation against the petitioner as well as the fact that he happens to be the husband of the deceased and there is allegation against him, his prayer for bail is refused with direction to surrender and seek regular



bail which would be considered and disposed of on its own
merit without prejudice.

(Prabhat Kumar Singh, J)

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