

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23796 of 2020

Arising Out of PS. Case No.-361 Year-2019 Thana- DALSINGHSARAI District- Samastipur

Sopal Sah aged about 30 years (M), S/O- Arjun Sah R/V- Gudarri Market
Dalsingsarai, P.S.- Dalasingsarai, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit,

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 11-11-2020 Heard Mr. Ajay Kumar, learned counsel for the
petitioner and Mr. Akshay Lal Pandit, learned A.P.P. appearing
for the State through video conferencing.

Petitioner seeks regular bail in connection with
Dalasingsarai P.S. Case No. 361 of 2019 registered for the
offence under section 304 (B) / 34 of the I.P.C.

The allegation as per the First Information Report is
that the petitioner along with other accused persons have killed
the daughter of the informant by setting her on fire. In the F.I.R.
there is specific allegation that the petitioner poured kerosene
oil on the body of the victim and set her on fire with the help of
match stick.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated along with the entire family members. Learned counsel further submits that in fact the victim girl had received burn injuries during the course of cooking food in the kitchen and she has died due to accidental fire. Learned counsel further submits that she has died in the hospital after some time.

On the other hand, learned counsel for the State referring to the case diary submits that there is specific allegation against the petitioner and the victim lady has died within seven years of marriage in her matrimonial home in suspicious condition and further the victim lady's statement was recorded during the course of investigation and in paragraph no. 53 of the case diary she has disclosed the name of the petitioner and the post-mortem report of the victim corroborates the allegation against the petitioner and there is presumption under Section 113B of the Evidence Act against the petitioner.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that there is specific allegation against the petitioner and the statement of the victim lady was recorded in paragraph no. 53 of the case diary, as such, I am not inclined to grant regular bail to the petitioner at this stage.



Accordingly, the same is rejected.

However, the petitioner may renew his prayer for regular bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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