

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61262 of 2019

Arising out of PS. Case No.-71 Year-2019 Thana- BEN P.S. District- Nalanda

Devendra Sharma, Male, aged about 34 years, S/o- Dinbandhu Sharma R/o
Village- Dewaria, P.S.- Ben, District- Nalanda, Biharsarif.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Singh, Advocate
For the Informant	:	Mr. Pankaj Kumar, Advocate
	:	Mr. Rakesh Ranjan, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

5 04-03-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Ben P.S. Case No. 71 of 2019 dated 18.05.2019 instituted
under Section 304(B)/34 of the Indian Penal Code.

3. The allegation against the petitioner who is the
husband of the daughter of the informant is of having burnt her.

4. Learned counsel for the petitioner submitted that
the incident of burn occurred on 09.02.2019 and she was taken
to a hospital where she was admitted and treatment done and on
01.03.2019 she was released. It was submitted that after release
also she was kept by the petitioner in the matrimonial home and
despite treatment, she succumbed to the burn injuries on



18.05.2019. It was submitted that before the police in the hospital in the presence of the Doctor, the wife of the petitioner had clearly stated that in a fit of rage she has herself poured kerosene and tried to burn herself and the petitioner had rushed to save her due to which his hand was burnt. It was submitted that in the entire period of almost three months no complain was lodged by the informant or allegation made and only after the death, the present case having been instituted clearly shows the falseness of the allegation.

5. Learned APP, from the case diary, submitted that the death having been caused due to burn injury and the petitioner being the husband cannot plead innocence.

6. Learned counsel for the informant adopted the background of learned APP. However, on query of the Court as to why no case was lodged or complaint made for almost three months when the daughter of the informant was alive, learned counsel could not explain the same. He also did not controvert the fact that the victim had given statement to the police in the hospital in the presence of the Doctor in which she has stated that she herself had tried to burn herself and the petitioner rushed to save her due to which his hand was burnt.

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, provisional bail granted to the petitioner by order dated 01.10.2019 stands confirmed on the same terms and conditions as well as subject to the condition that one of the bailors shall be a close relative of the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Vikash/-

U		T	
---	--	---	--

