

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72811 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- CHUTIA SAHAYAK District- Rohtas

Bijendra Mehta, son of Shankar Mahto Resident of Village- Tilokhar-Chor
(Panduka), P.S.- Chutiya, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-03-2020 A supplementary affidavit has been filed during

the course of argument.

Let it be taken on record.

The petitioner, who is in custody since
17.06.2019 seeks bail in connection with Chutiya P.S.
Case No. 16 of 2019 instituted for the offences under
Sections 304(B)/34 of the Indian Penal Code.

The learned counsel for the petitioner has
argued that the petitioner himself took the deceased to
Narayan Medical College & Hospital for treatment of
burn injuries which the deceased had received while
cooking food in the house. She died two days later but



no statement of the deceased appears to have been recorded.

The other ground which has been raised by the petitioner is that in the inquest report, the petitioner also had signed, leading to a definite inference that till the time the deceased died, the petitioner had not run away and the informant did not contemplate any action against him and others.

Apart from this, the learned counsel for the petitioner has submitted that from the narration in the F.I.R, it can be safely discerned that the accusation against the petitioner is an afterthought. Had it not been the case then, if there was an earlier act of assault by the petitioner and others and which fact was known to the informant, there would have been no reason for not initiating prosecution against the petitioner and others earlier.

True it is that apparently, these chinks do surface on a plain reading of the F.I.R but considering



the fact that there is no specific answer available to this Court as to under what circumstance the deceased caught fire while cooking food, this Court is not inclined to grant bail to the petitioner for the present.

While saying so, this Court has also taken note of the fact that charges in this case have already been framed and till date no witness has been examined.

If the pace of the trial remains tardy and it does not get concluded within a reasonable period of time, the petitioner would be at liberty to approach this Court for renewing his prayer for bail.

The petition stands dismissed.

(Ashutosh Kumar, J)

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