

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13780 of 2021**

Arising Out of PS. Case No.-41 Year-2010 Thana- KANTI THARMAL POWER District-
Muzaffarpur

Nasir Miyan @ Md. Nasir @ Md. Nasruddin (Male) aged about 35 years, S/o
Hamid Miyan @ Md. Abdul Hamid R/O village Vishunpur Mahanand, P.S. -
Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Surendra Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 29-06-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Kanti P.S. Case No. 41 of
2010, registered for the offence under Section 304(B)/34 of the
Indian Penal Code.

As per the prosecution case, the daughter of the
informant was married with petitioner on 16.05.2009 and it is
alleged that she was subjected to torture and cruelty by her
husband (petitioner) and other accused persons for dowry and
on 28.09.2010 at about 10 O'clock, the petitioner and other FIR
named accused persons set her ablaze. On getting this
information, the informant went to the matrimonial home of his
daughter, where he saw his daughter moaning and her body was
badly burnt and on way to hospital, she died.



It is submitted on behalf of petitioner that petitioner has committed no offence. In fact, the deceased herself committed suicide due to petty family dispute. It is further submitted that the informant has filed a petition before the court below stating therein that he filed the present case due to mistake of facts. Petitioner is in custody since 15.09.2020.

However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that petitioner is husband of the deceased and deceased died within seven years of marriage in her matrimonial home in an unnatural circumstances and name of the petitioner & others has been disclosed by none else but the deceased herself. The *post-mortem* report also suggests that the deceased died due to *ante-mortem* injuries caused by flame of fire.

Considering the aforesaid facts and circumstances and the fact that petitioner is husband of the deceased and deceased died in an unnatural circumstances in her matrimonial home within seven years of marriage, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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