

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30353 of 2020

Arising Out of PS Case No.-105 Year-2019 Thana- PATAHI District- East Champaran

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Dharmendra Sah, Male, aged about 40 years, Son of Mahesh Sah, Resident of
Village-Padumker, PS-Patahi, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radhe Shyam, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-07-2021

The matter has been heard via video conferencing.

2. Heard Mr. Radhe Shyam, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 18.12.2019 passed in Cr. Misc. No. 56160 of 2019.

4. The petitioner is in custody in connection with Patahi PS Case No. 105 of 2019 dated 17.04.2019 instituted under Sections 302 and 201/34 of the Indian Penal Code.

5. Learned counsel for the petitioner submitted that he is the husband of the deceased but she had died an accidental death



due to burning while cooking. It was submitted that the petitioner is in custody since 17.04.2019.

6. Learned APP, from the case diary, submitted that as per the Court's earlier order, a report has been called from the Superintendent of Police, East Champaran with regard to who paid the bill at the hospital, and it has come that it has been paid by the sister-in-law of the petitioner. Further, with regard to why the hospital has not informed the police that such a serious burning case has come, it has been submitted that since the hospital had referred the victim soon after she had come, within two hours, to another hospital for better treatment, they had not informed the police. Learned APP submitted that during investigation it has come that it was actually the neighbour Nantun Devi, who had first come to the place and had taken the victim to the hospital and at the hospital, the other relatives of the petitioner had come, but because she was the person who had taken the victim to the hospital, the informant had also named her and her husband as accused. However, upon investigation, police have reached the conclusion that she was actually helping the victim by taking her immediately to the hospital and, thus, she and her husband, have not been sent up for trial. It was further submitted that it has come that the petitioner was with the victim on the



fateful day, but admittedly, neither did he take her to the hospital nor was he present when the informant had come and since then he has been absconding. Learned counsel submitted that it has also come during investigation that the petitioner had said that his brother and his wife had got the incident done, but no details of the same has come during investigation. Learned APP submitted that the place of occurrence has been found to be the bathroom and not any open place and further, there has been no recovery of any cooking utensils so as to show that any accident may have occurred during cooking, as only burnt clothes have been found and some kerosene oil kept under the bed. Thus, it was contended that the petitioner being the husband and also present on the said day, running away from the site, leaving the victim alone, itself shows that he was responsible for the occurrence. Furthermore, he submitted that when there is so much of evidence pointing towards him being responsible for burning the victim, who was his wife, the period of incarceration which is just a little over two years may not be of much relevance, more so, when earlier on merits, the Court has rejected such prayer.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find that any mitigating circumstances have been shown



since the last order of rejection, for reconsideration of the prayer
for bail.

8. Accordingly, the application stands dismissed.

9. However, the Court below is directed to expedite the
trial.

(Ahsanuddin Amanullah, J.)

P. Kumar

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