

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35663 of 2020**

Arising Out of PS. Case No.-9 Year-2020 Thana- NATIONAL HIGHWAY District-
Samastipur

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Birendra Das, aged about 28 years, S/o Ram Babu Das Resident of Village-
Chak Tulasi, P.S.- N.H. Bangara, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Sarbottam Kumar Sarkar, Advocate
		Mr. Bhubneshwar, Advocate
For the Opposite Party	:	Mr. Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-02-2021 Heard learned counsel for the petitioner as well as

learned counsel for the State.

The petitioner seeks bail in NH Bangra Police Station
Case No. 9/2020 registered for the offences punishable under
sections 304B/34 of the Indian Penal Code.

As per the prosecution case, all the accused persons
including the petitioner, due to non-fulfilment of demand of
dowry after marriage, committed murder of the daughter of the
informant by setting her on fire by sprinkling Kerosene oil.

It is submitted on behalf of the petitioner that the
petitioner, being husband of the deceased, never took the dowry
and tortured his wife and the victim caught fire while cooking



food as a result of which she sustained injuries and in course of treatment she died.

Learned counsel for the petitioner submits that during investigation smell of Kerosene oil has not been traced on the place of occurrence. Even mark of violence was not found on the alleged place of occurrence. Petitioner is in custody since 26.2.2020.

Learned counsel for the State opposes the prayer for bail. He submits that the deceased before her death has also given her statement in which she has disclosed the name of the petitioner. Post mortem report has also supported the factum of occurrence.

Considering the fact that the petitioner is the husband of the deceased and she has taken his name before her death and the post mortem report corroborates the prosecution case, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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