

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6299 of 2021**

Arising Out of PS. Case No.-131 Year-2014 Thana- MANIYARI District- Muzaffarpur

PANKAJ RAI SON OF PRAHLAD RAI RESIDENT OF VILLAGE -
GARHA, P.S. - AHIYAPUR, DISTRICT - MUZAFFARPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 03-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Maniyari P.S. Case No. 131 of 2014 registered for the offences punishable under Sections 341, 323, 498(A) and 307 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and subsequently Section 304(B) has been added.

As per the prosecution story the informant had married his daughter (deceased) with this petitioner in the year

2009 but after sometime the petitioner started torturing the deceased for fulfilling demand of motorcycle and for the same the deceased has lodged a complaint also. On 30.04.2014 the petitioner came to the house of the informant to take away her wife and but in the midnight poured kerosene oil on the body of the deceased and put her on fire as a result of which she sustained grievous burn injuries and was taken to the hospital for treatment but later on succumbed to her injuries in course of treatment.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner in as much as it would appear that the wife of the petitioner died in her naihar and the cause of death is said to be the burn injuries suffered by her inside the house of her parents.

Learned counsel further submits that on the place of occurrence neither any kerosene oil was found nor any other sign of burn were noticed by the I.O. In paragraph '5', '6' and '7' the witnesses have not seen the petitioner in his sasural on the alleged date of occurrence and, therefore, the alleged story that the petitioner had been there at the place of occurrence on the said date and the daughter of the informant was burnt by pouring kerosene oil on her body by this petitioner is not

correct.

It is further submitted that after the lodgement of the F.I.R. the father of the victim has filed an affidavit that he has compromised the case.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is firstly submitted that in this case the prayer for anticipatory bail of the petitioner was refused in the year 2015 but the petitioner has been arrested in this case only on 26.05.2020. Learned A.P.P. has denied the claim of the petitioner that his arrest was stayed by the police authorities as according to learned A.P.P. no such material is present in the case diary.

Learned A.P.P. further submits that no doubt the wife of the petitioner died of burn injuries but the doctors have noticed several ante-mortem injuries on her body, bruises, injury on forehead and ribs have been found which suggests that on the alleged date of occurrence she was assaulted. The witnesses have though not specifically said that they had seen the petitioner at the place of occurrence but they have stated that they heard about the arrival of the petitioner during the evening time on the date of occurrence.

Considering the facts and circumstances of the case,

the gravity of the offences alleged, the conduct of the petitioner in not surrendering for about five years after rejection of his prayer for anticipatory bail and further that several ante-mortem injuries were found on the body of the deceased, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial be expedited.

All endeavours be made to conclude the trial as early as possible and preferably within a period of one year from the date of start of physical functioning of the court.

If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.