

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26568 of 2022

Arising Out of PS. Case No.-761 Year-2020 Thana- KANTI District- Muzaffarpur

Daya Shankar @ Daya Shanker Son Of Raj Kumar Ram R/O- Village-
Damodarpur, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bipin Chandra, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 14-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Kanti P.S. Case No. 761 of 2020 lodged under Sections 341,
326, 307/34, of the I.P.C. read with Sections 3/4 of Dowry
Prohibition Act and later on Section 302 of I.P.C. has been
added.

As per the prosecution case, the allegation made by
the informant is that marriage of her daughter was solemnized
by the petitioner in the year 2010.

Learned counsel for the petitioner submits that there
was demand of Rs. 3 lakh and one Glamour motorcycle was

there. The informant submits that she handed over Rs. 2 lakh and a Glamour motorcycle to the petitioner. It has been further alleged that on the night of 27.12.2020, informant received the information that her daughter was burnt by pouring kerosene oil on her body and later on admitted to a hospital. With this allegation this case has been lodged.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 29.12.2020 having clean antecedent. He further submits that F.I.R. has been lodged in this case on 28.12.2020. He further submits that petitioner himself communicated the information about the unfortunate event to his in-laws' family. He also submits that petitioner rushed immediately to the hospital with his wife, he provided best treatment as much as he could but even after every effort, he could not save his wife and she died on 04.01.2021.

From the post-mortem report as well as inquest report it transpires that the burn has took place only on the facial and front part upto knee.

Learned counsel for the State opposes the prayer for bail and submits that from the case diary it transpires that the marriage solemnized in the year 2010 and from the said

marriage, the petitioner has 3 children which shows that the marital life of the petitioner and deceased is happy. Learned APP has fairly submits that police has found 1 blanket near the place of occurrence. Learned counsel further submits that he is not aware that charge has been framed in this case or not.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Liberty is hereby granted to the petitioner to renew his prayer for bail 9 months after framing of charge.

Trial Court is hereby directed to expedite the trial, if trial is not completed within the stipulated period then the Trial Court is directed to release the petitioner on bail imposing its own conditions, so that he shall not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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