

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30114 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- ANTICHAK District- Bhagalpur

Hariom Choudhary Son Of Late Bishwanath Choudhary R/O Village-
Nandgola, P.S.- Antichak, District- Bhgalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Antichak P.S. Case No. 41 of 2021 registered for the offence

under Section 302 of the Indian Penal Code.

As per allegation this petitioner set his wife on fire by

sprinkling kerosene oil upon her due to which the victim

sustained serious burn injuries and she died on the way to

hospital.

The main submissions advanced by learned counsel

Mr. Davendra Kumar Pandey for the petitioner are that in the



FIR any motive to commit the alleged occurrence of murder has not been mentioned on the part of this petitioner and the statement of the son of the deceased, who is stated to be present at the time of occurring of the alleged occurrence, has not been recorded by the police and from the place of occurrence any incriminating material such as match box, kerosene oil etc. was not recovered by the police and the FIR has been lodged by the brother-in-law of the petitioner for wrongful gain and the deceased's marriage was solemnized 18 years ago with this petitioner. Further submission is that the deceased was a hot temperamental lady and she committed suicide by setting herself on fire and the petitioner has been languishing in jail since 22.11.2021.

Learned APP Mr. Harendra Prasad appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary. The present case relates to murder and against the petitioner there is serious allegation that he set his wife on fire and in this regard the petitioner's own daughter has supported the allegation made in the FIR as appears from the order of learned trial Court and the petitioner has been chargesheeted under Section 302 of IPC. Considering the nature of allegation



appearing against the petitioner this Court is not inclined to grant regular bail to the petitioner. Accordingly his bail prayer stands rejected.

Petitioner may renew his bail prayer after examination of private witnesses of the prosecution.

(Shailendra Singh, J.)

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