

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37051 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- IMAMGANJ District- Gaya

Santosh Bharati @ Shivdhani Bharati @ Shidhni Bharti Son Of Kishori
Bharati Resident Of Village- Bhaghar, P.S.- Imamganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Section 436, 302 of IPC
in connection with Imamganj P.S. Case No. 31 of 2022.

As per the FIR, the informant has alleged that he had
a fight with the petitioner who was in an intoxicated state and he
had threatened to put the house on fire. In the middle of the
night, they found the house to be set on fire. Anyhow, the elder
son was taken out but the intensity of the fire was so much that
they could not bring out another son who was burnt to death.

Learned counsel for the petitioner submits that the
informant was having illegal electric connection and that may



be the reason for fire in the hut and as such the petitioner deserves bail.

Per contra, Mr. Bharat Bhushan, learned APP submits that the fact that the police upon investigation found the case to be true and charge-sheet stands submitted under Section 302 of the IPC, the alibi put forward by the petitioner that he had not put the hut on fire and it was due to illegal electric connection, the hut got fire, be disbelieved.

Considering the fact that subsequent to the scuffle between the informant and the petitioner during the local fair followed by his threatening, the fire broke out in hut causing death of an innocent child, this Court is not inclined to grant the privilege of bail to the petitioner which is accordingly rejected.

The trial Court is directed to expedite the trial and conclude the same within a period of one year.

(Rajiv Roy, J)

Ravi/Ajay Singh

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