

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46772 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- PALI District- Jehanabad

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BASANT PRASAD Son of Late Kamal Yadav Resident of Village- Latanpati,
P.S.- Pali, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the accused persons including the petitioner herein who happens to be the father in law of the informant/deceased along with others is said to have poured kerosene oil and of having lit her as a result of which she got burnt and died in course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner who happens to be the father-in- law of the deceased has been falsely implicated in the case. The so called witnesses who have supported the prosecution case are not eye



witness to the occurrence. The witnesses in paragraph nos.9, 45, 46, 47, 48 and 49 of the case diary has stated that she lit herself and it is a case of suicide. The petitioner is in custody since 21.2.2021 and chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State who submits that the F.I.R. was registered on fardbeyan of the deceased. The allegation is against the accused persons including the petitioner herein. She subsequently died in course of treatment. As such it may be considered as a dying declaration.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegation levelled by the informant/deceased in the F.I.R. against the accused persons including the petitioner herein, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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