

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49208 of 2021

Arising Out of PS. Case No.-217 Year-2019 Thana- NOORSARAI District- Nalanda

VIJAY PASWAN Son of Sivbalak Paswan Resident of Village -
Kismeerichak, P.S.- Noorsarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 29-03-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307, 498A, 304B and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per the prosecution case, the informant states that she is giving her statement in the ICU of the hospital in presence of the police officers. She states that her mother-in-law, gotni (sister-in-law), husband, father-in-law (petitioner herein) poured oil from the 'dhibrey' and as a result thereof, she was seriously burnt and brought to the hospital.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the father-in-law of the deceased. The death took place as a result of burn injury caused



by accident which would be evident from the further statement of the informant as also statement of the witnesses recorded under section 161 Cr.P.C. The mother-in-law as also the husband of the deceased have surrendered and are in custody. The petitioner is in custody since 28.11.2020 and has no criminal antecedent. Charges have been framed in the learned court below and the petitioner undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the materials on record, it transpires that the informant (since deceased) categorically stated in the F.I.R. about the accused persons including the petitioner herein who happens to be her father-in-law having lit her up and burnt her. The informant died in course of treatment a week later from burn injuries.

In view of the facts of the case and specially in view of the statement of the informant/deceased making specific allegation against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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