

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51176 of 2021**

Arising Out of PS. Case No.-35 Year-2020 Thana- MUSRIGHRARI District- Samastipur

MD. SHAUKAT ALI, S/o Md. Anwar R/V- Morwa, Gopaltola, P.S.-
Musarigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 07-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Musarigharari P.S. Case No. 35 of 2020, instituted for the offences under Sections 326, 307/34 of the Indian Penal Code and Section 3/4 of the D.P. Act. The learned counsel for the petitioner submits that subsequently Section 302 of IPC was added.

The learned counsel for the petitioner submits that the petitioner is in custody since 17.03.2020, he is a person with clean antecedent, charge-sheet has been submitted and informant alleges that while she was doing her household chores, when accused persons including her husband along with his mother-in-law, sister-in-law and brother-in-law came and



poured kerosene oil on her and set her ablaze. It is further alleged that on scream, the villagers came and took her to Sadar hospital, Samastipur. It is further alleged that the reasons for the occurrence is non-fulfillment of dowry demand. The learned counsel submits that the petitioner has been falsely implicated in the present case. The date of occurrence is 03.03.2020 and the informant died on 10.03.2020, i.e., after a lapse of seven days. The learned counsel for the petitioner further submits that the deceased was married to the brother of this petitioner and they were having differences and since as brother, the petitioner did not use to intervene, as such, the deceased was harbouring grudge against him and the entire family members, the learned counsel submits that during the course of investigation, it has come that while cooking, her Sari caught fire even the mother of the deceased has stated the same but since the deceased was harbouring grudge against the family members, as such, she has implicated everyone in the family.

The learned counsel for the petitioner further submits that responsibility, if any, it was of the husband, to ensure that the wife is happy. The learned counsel submits that the husband is in custody.

The learned A.P.P. vehemently opposes the bail



application and submits that informant has specifically alleged that all the family members pour kerosene oil and set her ablaze and the villagers took her to the hospital.

Considering the fact that the petitioner is in custody since 17.03.2021, charge-sheet has been submitted and petitioner is the brother-in-law and allegations appears to be general and omnibus as far as the petitioner is concerned and that the husband is in custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Ist Class, Samastipur, in connection with Musarigharari P.S. Case No. 35 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

sanjeev/-

U		T	
---	--	---	--

