

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59612 of 2021

Arising Out of PS. Case No.-77 Year-2019 Thana- KAHALGAON District- Bhagalpur

Rishi Mushar S/O Niranjana Mushar @ Niranjana Rishi R/O Village-Laxmipur
Bhabhaniya, P.S-Kahalgaon, District- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Kahalgaon P. S. Case No.77 of 2019, instituted for the offences
under Sections 304(B)/ 120B of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 03.05.2020, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant alleges that he got information from
newspaper about burning of his daughter. Thus, he went to the
place of occurrence and came to know that the F.I.R. named
accused persons have burnt his daughter pouring kerosene oil on



18.01.2019 and took her to Mayaganj Hospital for treatment where the informant reached on 19.01.2019 and saw his daughter lying dead.

The learned counsel for the petitioner submits that the petitioner is the husband. The marriage was 5-6 years old and further from the allegation itself, it would manifest that the victim suffered burn injuries and the petitioner along with others rushed her to hospital for treatment. The learned counsel thus submits that the conduct of the petitioner is such that it can be safely presumed that the petitioner had not committed the occurrence or else. He would not have taken the deceased to the hospital for treatment. The learned counsel fairly submits that the charges have been framed and the trial has commenced and one witness has been examined.

Learned A.P.P. opposes the bail application and submits that the petitioner is the husband and there is a direct allegation against him.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the instant petition with a liberty to the petitioner to renew his prayer for bail in the event, if the trial is not concluded within seven months from the date of receipt/ production of a copy of this order.



Permission is accorded.

Accordingly, instant petition is dismissed as
withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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