

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68500 of 2021

Arising Out of PS. Case No.-134 Year-2021 Thana- DHARHARA District- Munger

SANJEET KUMAR S/o Ramjee Sah @ Ramjee Saw Resident of Village-
Mangarh, P.S.- Dharhara, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Shri Krishna Prasad Singh, Sr. Advocate Shri Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Shri Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-04-2022 Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 307, 326, 498A and 304B of
the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
the petitioner is in custody since 19.07.2021, is a person with
clean antecedent and charge-sheet has been submitted.

The informant alleges that while she was sleeping with
her husband (petitioner), he sprinkled kerosene oil and set the
informant ablaze causing severe burn injury and thereafter she
was taken to Dharhara PHC and from there she was referred to



Sadar Hospital, Munger and thereafter she was referred to Mayaganj Hospital, Bhagalpur where her statement was recorded.

Learned Senior Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case for the reason best known to the informant who died subsequently during course of treatment. It is submitted that it was the petitioner, who took the deceased to the hospital for treatment, hence, if the petitioner would have been involved in the occurrence then definitely the petitioner would not have taken the deceased to the hospital thinking that if the informant survives then an evidence against the petitioner would be created. It is also submitted that during course of investigation, it has come in the case diary that the police in the room did not find kerosene oil either on the bed or on the bet-sheet nor found any evidence to arrive at a conclusion that in the room the occurrence was committed as there was no smell of kerosene oil also. Learned Senior Counsel for the petitioner submits that admittedly from reading of the allegation as alleged in the FIR, it would manifest that the victim was in a position to speak and, as such, from PHC she was referred to Sadar Hospital and from there to Mayaganj Hospital, Bhagalpur. It is also submitted that



though the deceased alleges that the petitioner sprinkled kerosene oil and set her ablaze but has not disclosed any reason or motive for the occurrence. Lastly, it is submitted that since the deceased was able to speak, as such, it does not appear probable that the petitioner had committed the occurrence or would definitely not have taken the deceased to the hospital fearing disclosure by her before the police or the Magistrate about the occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 19.07.2021, is a person with clean antecedent and charge-sheet has been submitted and taking into consideration the submissions made by the learned Senior Counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dharhara P.S. Case No. 134 of 2021.

(Satyavrat Verma, J)

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