

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.763 of 2022

Arising Out of PS. Case No.-203 Year-2019 Thana- POTHIA District- Kishanganj

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Ashfaque Hussain @ Hussain Alam S/o Jamil Akhtar Resident of Sarogora,
P.S.- Pothia, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Pothia
P.S. Case No. 203 of 2019 registered for the offence under
Sections 341, 323, 307, 326, 504, 506, 498A and 34 of the
Indian Penal Code. The investigation is completed and later
charge-sheet bearing C.S. No. 126/2020 has been submitted u/s
304(B) and 34 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.06.2020.

The allegation against the petitioner is to cause death
of his wife, who is the daughter of the informant, along with



other co-accused persons and family members putting her on fire after pouring kerosene oil, due to non-fulfillment of demand of dowry.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in the present case, where suicide was committed by the wife of the petitioner, out of family frustration. It is also submitted that petitioner along with his family members were present at home at the time of occurrence and he was ready to take his wife to nearby hospital for proper treatment but in the meantime, she died, due to burn injury. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail submitted that burn injury, which was found upon deceased is of ante-mortem in nature. It is also submitted that it is a brutal murder, where petitioner along with family members, put deceased on fire after pouring kerosene oil, due to non-fulfillment of demand of dowry.

In view of the facts and circumstances as mentioned



above, as there is specific allegation against this petitioner, who is the husband of the deceased to cause death by putting her on fire after pouring kerosene oil, where dead body was found in the house of the petitioner, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The trial court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis.

The Superintendent of Police, Kishanganj, is directed to produce the charge-sheeted witnesses, as and when directed by the trial court, so as to conclude the trial within aforesaid time period, as directed.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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