

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1087 of 2022**

Arising Out of PS. Case No.-428 Year-2021 Thana- SARAIYA District- Muzaffarpur

PANKAJ KUMAR @ PAPPU SON OF RAJDEV PRASAD @ RAJDEV SAH R/O
VILLAGE- KOLWARA, P.S.- SARAIYA, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Rajpati

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 428 of 2021, G.R. No. 1925 of 2021 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

As per prosecution case, petitioner, who is husband of deceased Baby Devi and others set the daughter of the informant on fire and on getting information, the informant went to S.K.M.C.H., Muzaffarpur where she found her daughter dead.

Learned counsel for the petitioner submits that petitioner is in custody since 25.08.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that compromise between both the parties have taken place vide Annexure – 2 of bail petition. Petitioner is innocent and on account of suspicion informant lodged F.I.R. against the petitioner and family members.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. It has further been stated by the learned A.P.P. that charge-sheet has already been submitted under Section 304(B) against the petitioner who is the husband of deceased and it is relevant to mention that burn injury were found on the face and leg as evident from inquest report and postmortem also corroborated the allegation of injury report. Re-statement of informant has supported the story as alleged in the F.I.R.

Considering the facts and circumstances of the case, keeping in view the nature of allegation as mentioned in F.I.R. and death caused by burn in the light of accusation made in prosecution story, considering all above stated facts I am not inclined to grant bail to the petitioner. Hence the bail of the present petitioner stands rejected.

(Alok Kumar Pandey, J)

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