

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33699 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- KHARIK District- Bhagalpur

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Anil Das S/O Mahendra Das R/O Village-Mathurapur, P.S.-Mathurapur, (Shiv
narayanpur), District-Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey

For the Opposite Party/s : Mr.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has prayed for bail in connection with
Kharik P.S. Case No. 185 of 2022 instituted for the offence under
Section 304(B) of the Indian Penal Code but charge sheet has been
submitted under Sections 302, 304(B) of the Indian Penal Code.

As per allegation in the FIR, the informant alleged that the
petitioner, being husband of the deceased killed his daughter by
setting fire due to non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. The petitioner is
husband of the deceased due to which he has falsely been implicated
in this case. It is further submitted that marriage of petitioner was
solemnized with the deceased in the year of 2018 and blessed with
one child from the wedlock. The deceased herself committed suicide
by burning and the alleged occurrence took place in her parental



house not at her matrimonial house. The petitioner has got no criminal antecedent and languishing in judicial custody since 04.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the F.I.R. The F.I.R. has been lodged against the petitioner u/s 304(B) of the I.P.C. but after investigation charge sheet has been submitted against the petitioner under Sections 302, 304(B) of the I.P.C. The specific overt act of setting fire upon the body of the deceased is against the petitioner. The postmortem report of the deceased, annexed with the case diary also corroborates the prosecution wherein, doctor opined that the cause of death is due to burn injury and its complication. It is further submitted that during investigation witnesses of this case have also supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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