

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48196 of 2023

Arising Out of PS. Case No.-560 Year-2022 Thana- KORHA District- Katihar

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GOURAV KUMAR JHA @ GOURAV KUMAR S/O GULAB NARAYAN
JHA R/O Village- Dighri, P.S- Korha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jibendra Mishra, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Korha P.S. Case No. 560 of 2022 dated 14.12.2022, registered for the offence punishable u/s 498(A), 307, 34 of the IPC and Section 3/4 of the Dowry Prohibition Act, pending in the court of learned S.D.J.M., Katihar.

3(1). The statement of the informant was recorded with her free will at the Emergency Ward of K.M.C.H. Katihar, in which she stated that all the accused persons including this petitioner, who is her husband, are said to have poured the kerosene oil on her and set her on fire due to non-fulfillment of dowry demand.

3(2). The informant died during treatment in K.M.C.H.



Katihar.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Petitioner is husband of the deceased. He has been falsely implicated in this case. The allegation levelled against the petitioner is totally false and based on concocted facts. It is further submitted that initially, the FIR was lodged against the accused persons under Sections 307, 498-A of the Indian Penal Code, but later on Section 302 of IPC has been added. He further submits that the informant burnt herself at the time of cooking food as she did not want to live at her matrimonial home with her husband. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the postmortem report of the deceased has also supported the prosecution case as the death of the deceased was caused due to burn injury. As the allegation levelled against the petitioner is serious in nature, hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case as well as postmortem report of the deceased, I am not inclined to



enlarge the petitioner on bail. The prayer for bail of the
petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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