

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5868 of 2021

Arising Out of PS. Case No.-61 Year-2019 Thana- GUTHANI District- Siwan

SATYENDER SHARMA @ SATYENDER KUMAR SHARMA S/o Late
Ram Bichari Sharma R/o village- Jataur, P.S.- Guthani, District- Siwan
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajeet Singh

For the Opposite Party/s : Mrs. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-04-2023 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 326, 34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the daughter of the informant due to non-fulfilment of demand of dowry. On 08.04.2019 at 7 a.m. the accused persons including this petitioner poured kerosene oil upon the victim, namely, Baby Devi and tried to kill her by burning. She was taken to the Hospital for treatment of burn injuries. Later on, in course of treatment the victim died.

Petitioner is husband of the deceased.

It has been submitted on behalf of the petitioner that he is falsely been implicated in this case. There is no allegation of tampering of witnesses alleged against the petitioner. As per



dying declaration of the deceased, the deceased succumbed to the injuries due to accidental fire. Subsequently the informant has also retracted from his earlier statement made in the F.I.R. and he has filed a compromise petition in the court below, which is Annexure P-2 to the present application. Even during the course of investigation the villagers have not supported the prosecution case. Petitioner has got clean antecedent.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and there is direct and specific allegation that the accused persons including this petitioner poured kerosene oil upon the victim, namely, Baby Devi and tried to kill her by burning. She was taken to the Hospital for treatment of burn injuries. Later on, in course of treatment the victim died. Petitioner is husband of the deceased and she died within seven years of marriage under unnatural circumstances.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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