

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55918 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- SHIVSAGAR District- Rohtas

Upendra Sah @ Upendra Kumar Sah @ Upendra Kumar S/o Vijay Sah R/o
village- Rasendua, P.S.- Sheosagar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Adv.
	:	Mr. Dhaneshwar Prasad Gupta, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 22-02-2023 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the prayer portion of the petition with regard to the Sessions Trial No.

Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with S.Tr. No.183/2023 arising out of Sheosagar P.S. Case No. 206 of 2021 registered for the offence punishable under Section 304(B) of the Indian Penal Code.



As per the prosecution, the informant alleged that his daughter was tortured by this petitioner and her in-laws for dowry demand and also for not bearing child. It is further alleged that her daughter's in-laws and this petitioner burnt his daughter, who later succumbed to her burn injuries.

The main submissions advanced by learned counsel Mr. Vikramdeo Singh appearing for the petitioner are that the petitioner is husband of the deceased and in actual, the victim sustained burn injuries accidentally while preparing food and the allegation of setting her on fire by the petitioner and his family members by sprinkling *kerosene* oil upon her is completely false as at the place of occurrence any relevant materials such as *kerosene* oil or any empty tin etc. were not found by the *Investigating Officer* and even in the *post-mortem* report, the Doctor concerned did not give any finding regarding smell of *kerosene* oil from the body of the deceased and during the investigation two sets of the witnesses were examined in which one set of witnesses belonged to the petitioner's village and all of them did not support the allegation of the FIR and revealed the accidental burn injuries to the deceased. Further submission is that though as per the prosecution, the informant alleged in his restatement that the



victim herself revealed the name of the petitioner as well as the allegation as to set her on fire by the petitioner and her other in-laws but the said oral dying declaration does not get corroboration from the FIR as well as the statements of the parental relatives of the victim, who were examined during the investigation. Further submission is that the petitioner has been languishing in jail since 25.03.2022.

Learned APP Mr. Sanjay Kumar Singh appearing for the State has opposed the bail prayer and submitted that the petitioner is husband of the victim and against him there is serious allegation.

In view of the facts, as stated above and mainly the petitioner's defence as to not finding any sign of *kerosene* oil or empty tin or any other article at the place of occurrence and also taking into account that as per the FIR, the petitioner himself informed the victim's family about the incident of the victim having sustained burn injuries and she was admitted to a hospital by the petitioner, in the opinion of this Court the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court



concerned in connection with S.Tr. No.183/2023 arising out
of Sheosagar P.S. Case No. 206 of 2021.

(Shailendra Singh, J)

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