

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20542 of 2024

Arising Out of PS. Case No.-842 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

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HIMANSHU KUMAR SON OF VIPIN MISHRA RESIDENT OF VILLAGE
- PRAGATI NAGAR, BADA JAGANATH, P.S. - AHIYAPUR, DISTRICT -
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Ahiyapur P.S. Case no.842 of 2023 registered under sections 302, 307, 326 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant states that on reaching the *sasural* of his daughter, he saw the accused persons including the petitioner herein who happens to be his son-in-law pour kerosene oil on his daughter and lighted her up. He further states that as a result of the occurrence of burning, both his daughter and her son were killed. His son-in-law ie the petitioner herein had been pressurizing her to give him divorce.



4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The informant is not an eye witness to the occurrence and his presence becomes suspicious on account of the fact that there is no mention of any attempt by him to douse the fire. It was a case of pure accident and there is no reason as to why the petitioner would harm his children. It was the mother of the petitioner who called the ambulance which took the informant's daughter and others to the hospital. The petitioner is an army officer and there had been no complaint against him or any other person by the informant or his daughter in the past. The petitioner had a happy married life with two children born out of the wedlock. He is in custody since 22.8.2023 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R. according to which the petitioner who happens to be husband of the deceased is said to have poured petrol/ kerosene oil on the body of the informant's daughter and of having lighted her up as a result of which the informant's daughter as also her son and her daughter all sustained serious burn injuries and in course of treatment



at S.K.M.C.H. both the informant’s daughter and her son died, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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