

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35167 of 2023

Arising Out of PS. Case No.-3 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

-
1. HARI NANDAN SHARMA S/O LATE JAGESHWAR SHARMA R/O Ward No.-12, Razakpur, P.S- Nawkothe, Distt.- Begusarai.
 2. Bipin Sharma S/O Hari Nandan Sharma R/O Ward No.-12, Razakpur, P.S- Nawkothe, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Prasad Singh No.2

For the Opposite Party/s : Mrs. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-11-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. This application has been filed for quashing the order dated 05.12.2022 passed in Session Trial No. 109 of 2021 by the Additional Session Judge- IVth, Begusarai, Whereby the petition dated 16.08.2022 under section 227 of the Cr.P.C. for discharging of the petitioners has been rejected.

3. As per the prosecution case, when the informant went to call of nature, in the meantime, all the accused persons caught hold of the informant and started abusing her and the petitioner poured kerosene oil on her and the co-accused Bipin Kumar Sharma set her on fire.



4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case due to land dispute. It is further submitted that during the course of the investigation, the I.O. of this case has noted that the informant's husband stated that the accused persons set ablaze his wife in the courtyard and her son stated that she was burnt in the bathroom. The I.O. further found that the door of the bathroom was damaged. It is further submitted that the independent witnesses who are the neighbours of the informant have not supported the prosecution case.

5. Learned counsel for the petitioner has further submitted that the I.O. examined Sandeep Thakur, Gotia of Indradeep Thakur in para-13 of the case diary in which he has stated that on hearing halla, the main door of his house was closed from inside and when he entered, the victim was lying along the door and was saying that she burnt herself as her elder son and younger daughter always used to torture her.

6. Learned counsel for the petitioner has further submitted that, another independent witness and neighbour Yadunandan Mahto has been examined and he stated that informant's husband asked him Rs. 10,000/- for the treatment of his wife as she burnt herself.

7. Learned APP for the State has vehemently opposed



the quashing application of the petitioner by submitting that there is direct allegation against the petitioner and afterall she died during the course of the treatment. It is also submitted that as per the impugned order, all the prosecution witnesses have fully supported the prosecution case in para 6, 7, 8, 9 and 10 of the case diary. It is also apparent that the FIR has been registered on the basis of the information given by the deceased during the course of the treatment and it is a well-known fact that “ a person, who is about to die, has never told a lie”. It is further submitted that as per the medical report, the cause of death is due to burnt injury. It is further submitted that there is sufficient ground to proceed against the accused persons.

8. Considering the facts and circumstances of this case, this court do not find it safe to invoke the extraordinary inherent jurisdiction of the court under section 482 of the Cr.P.C. to quash the impugned order.

9. Accordingly, the present quashing application is dismissed.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

