

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31111 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Balmiki Sahani @ Balmiki Kumar Son Of Arun Sahni Resident Of Village -
Manjhaul, P.S. - Cheria Bariyarpur, Distt. - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Cheriya Bariyarpur P.S. Case No. 196 of 2022 instituted for the
offence under Sections 498(A), 326(A), 304(B) and 34 of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

The prosecution case in short, is that, as per the
informant, the marriage of his sister was solemnized with this
petitioner on 02.05.2022 and after the marriage, the husband of
his sister demanded dowry and on 28.07.2022, in the night,
petitioner along with other persons had beaten his sister, poured
acid on her whole body and feed acid in her mouth due to which



she completely injured and when he came to know then the treatment has been occurred and his has died during the course of treatment.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case because he is husband of the deceased. It is further submitted from para-8 of this petition that on 28.07.2022, the petitioner returned his home at late night after shopping. He saw that his wife was nagging with his mother and from this, petitioner opposed the ill treatment of his wife due to which she got angry and in retaliation, she started arguing with the petitioner and in reaction, the petitioner started pouring acid upon himself, seeing the situation, the wife of the petitioner intervened just to safeguard the petitioner in due course, the acid accidentally got poured on both of them out of which both of them got injured. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 05.08.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in FIR and there is specific allegation against this petitioner to sprinkle acid on the body and on the face of his wife due to



which she sustained injuries and later on she died. From perusal of the postmortem of the deceased, doctor opined that the cause of death of the deceased is due to chemical burn as well as hypovolemic shock caused by ingestion of liquid acid substance. Petitioner being the husband of the deceased had full responsibility to keep his wife with dignity and honour which he did not do so. During investigation, witnesses supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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