

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43050 of 2024**

Arising Out of PS. Case No.-800 Year-2023 Thana- BANKA District- Banka

Prabhash Kumar @ Prabhash Kumar Yadav Son Of Kunni Yadav Village-  
Janakpur, P.S.- Banka, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      24-10-2024                      Heard Mr. Praveen Kumar, learned counsel for the  
  
petitioner, Mrs. Renu Kumari, learned APP for the State and  
  
perused the case diary.

2. The petitioner seeks bail in Banka P.S. Case No.  
800 of 2023, instituted for the offences punishable under  
Sections 498(A), 304(B), 34 of the Indian Penal Code, Sections  
3 and 4 of Dowry Prohibition Act.

3. The prosecution case, in short, is that, due to non-  
fulfillment of dowry, the petitioner along with his family  
members poured kerosene oil on the daughter of the informant  
and set her on fire. During course of her treatment she  
succumbed to her burn injuries.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner also submits that the petitioner is the husband of the deceased. The factum of accidental burn of the deceased was informed by the petitioner himself to the informant. It is further submitted that the petitioner neither tortured the deceased nor made any demand of dowry. The deceased died due to accidental burn injuries while cooking. The petitioner is in custody since 04.03.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State submits that the petitioner is named in the FIR and there is direct allegation of committing the alleged offence against the petitioner. The informant in his re-statement as well as witnesses have supported the prosecution case vide para 6, 7 and 8 of the case diary respectively. It is also submitted that informant stated in his statement that before the death of her daughter, during her treatment she stated that her *jeth* namely Anil Yadav (brother-in-law) and *jethani* (wife of Anil Yadav) caught hold her and her husband poured kerosene oil on her and her father-in-law lighter fire through match-stick. Other witnesses have also supported



the factum of making the said statement which can be termed as Dying Declaration of the deceased. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the nature of accusation against the petitioner and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The Trial Court is directed to expedite the Trial expeditiously.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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