

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42615 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- JHANJHARPUR District- Madhubani

Jabir Pamariya @ Chhedi @ Chhedi Pamariya Son of Jalil Pamariya R/O
Vill.- Godhanpur, Ward no. 15, P.S.- Jhanjharpur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate Mr. J.K. Bharti, Advocate
For the State	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Ashok Kumar Prasad, Advocate

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

ORAL ORDER

4 28-10-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Jhanjharpur P.S. Case No. 223 of 2023 instituted for the offence
under Sections 326 & 302 of the Indian Penal Code.

3. Prosecution case in short is that on account of some
frivolous issues, altercation took place between husband of the
informant and the petitioner, due to which on 23-11-2023,
petitioner poured kerosene oil and lighted the husband of the
informant with matchstick, while she was sleeping inside the
room. When she came out of the room, she saw that petitioner
was fleeing from the spot.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-11-2023. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that from perusal of the FIR, it would reveal that at the time of occurrence, informant was sleeping in the next room, hence, informant is not an eye witness to the alleged occurrence. It is submitted that except suspicion, there is no cogent material which shows the involvement of the petitioner in the alleged crime. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No.2 of the case diary, it is submitted that burn injuries were present all over the body of the deceased, which may have been caused due to sprinkling of kerosene oil. Prosecution witnesses have also supported the prosecution version, which fact is mentioned at paragraph Nos. 08, 09 & 10 of the case diary. It is fervently submitted that wife of the deceased, who was present near the place of the occurrence clearly states that she had seen the petitioner fleeing away with matchsticks in his hand.



7. Considering the aforesaid facts and circumstances of the case and taking into account the direct allegation of pouring kerosene oil against the petitioner, which fact is corroborated by the prosecution witnesses, including the wife of the deceased, who was present near the place of occurrence, this Court is not inclined to grant bail to the petitioner. Accordingly, prayer for grant of bail to the petitioner is *rejected*.

8. The trial court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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