

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71365 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- BAGHA District- West Champaran

Azahar Miyan Son of Rasool Miyan R/o Village - Parorha, Badhai Tola, P.S. -
Lauria, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramendra Kumar Bharti, Adv.

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

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

ORAL ORDER

4 10-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bagaha
P.S. Case No. 159 of 2024 instituted for the offences under
Sections 341, 326, 307, 302, 504, 506 and 120B of the
Bharatiya Nagarik Sanhita, 2023.

3. As per prosecution case, the accusation against the
three unknown persons is of pouring petrol in the house of the
Informant and put his house on fire due to which the
Informant's wife and four children sustained burn injury. It is
alleged that one of the injured Husn Ara, the Informant's
daughter, died in course of treatment.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to previous enmity between the parties. He submits that the petitioner and the Informant are close relatives and, at the time of alleged occurrence, the petitioner was not at all present there. Learned counsel for the petitioner submits that the alleged occurrence took place on 25.05.2024 whereas the F.I.R. has been lodged on 29.05.2024 i.e. after four days of the alleged occurrence and, that too, without there being any plausible explanation for such delay. There is no independent eye witness to the alleged occurrence. The petitioner has no concern with the alleged occurrence. The only allegation against the petitioner is that earlier the petitioner had threatened the wife of the Informant to kill her by pouring petrol on her. The petitioner has no criminal antecedent and is languishing in judicial custody since 28.07.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that prior to the occurrence, the petitioner had threatened the wife of the Informant on mobile to kill her by pouring petrol and putting his house on fire and,



thereafter, the alleged occurrence took place in which the wife of the Informant and children sustained burn injury. One of the injured Husn Ara who is the Informant's daughter, died in course of treatment. The witnesses in Para- 6 & 7 of the case diary have supported the prosecution case. The police, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 342, 326, 307, 302, 506, 120(B)/34 of the I.P.C. The postmortem report of the deceased corroborates the prosecution case. The C.D.R. also shows the petitioner being involved in the criminal conspiracy and, hence, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also the petitioner being a member of the criminal conspiracy, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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