

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71895 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- GHOSI District- Jehanabad

VIKASH KUMAR Son of Satyendra Mistri R/o Village - Sharista bad, P.S.-
Ghoshi (Okari O .P.), Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nitya Nand Neeraj
For the State	:	Mr.Mithlesh Kumar Khare, APP
For the Informant/s	:	Mr. Dheeraj Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-02-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 304(B)/34
of the Indian Penal Code and Section 3/4 of DP Act.

3. As per allegation in the FIR, the informant alleged
that her daughter was married with the petitioner in year of 2021
and thereafter, the petitioner along with his family members
subjected her to cruelty due to non-fulfillment of dowry
demand. On 14.2.2023 the informant came to know that her
daughter had set fire herself and she was admitted in hospital
where, she died due during treatment.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. The petitioner is husband of the deceased due to which he has falsely been implicated in this case. The real fact is that while the deceased/ wife of the petitioner was cooking food, fire caught her and when the petitioner tried to save her, both have sustained burn injury. Thereafter, both were admitted in the hospital where wife of the petitioner died during treatment. Before death of the deceased, her statement was recorded vide para 26 of the case diary, in which she stated that she had set herself on fire. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 22.7.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the death of the deceased was occurred within seven year of her marriage and the petitioner is her husband.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed** in connection with



Ghosi (Okari OP) P.S. Case No. 169 of 2023 on furnishing bail
bond of Rs.10,000/- (ten thousand) with two sureties of the like
amount each to the satisfaction of learned CJM, Jehanabad.

(Sunil Kumar Panwar, J)

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