

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76565 of 2023

Arising Out of PS. Case No.-198 Year-2017 Thana- BELA District- Sitamarhi

Rakesh Sah Son Of Ramdev Sah Village -Bishupur, Ps -Bela ,District
-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Rai

For the Opposite Party/s : Mr. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for grant of regular bail in connection with Bela P.S. Case No. 198 of 2017 registered for the offence punishable under sections 304(B)/34 of the Indian Penal Code.

As per allegation in the FIR, brother-in-law of the informant/deceased told her to cook meat to which she denied. Later on, petitioner, who is husband of the deceased in connivance with other family members tried to kill her by setting her on fire from gas and thereafter fled away after bolting the room from outside. It is further alleged that during her treatment at hospital, her statement was recorded by the police and thereafter FIR was registered. On same day, victim



died at hospital.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is husband of the deceased. Prior to the alleged occurrence, there is no any complain against the petitioner in respect of harassment or torture. He has been falsely implicated in this case. It is further stated that victim herself put her on fire due to dispute with her *bhaisur*. Petitioner has got no criminal antecedent and languishing in judicial custody since 18.4.2023.

The application for bail is opposed by learned APP for the State submitted that petitioner is husband of the deceased who had full responsibility to keep his wife with full honour and dignity, which he did not do so. Moreover, her statement was recorded by the police in emergency ward of Hospital and on the basis of her dying declaration, FIR was registered. Doctor has opined cause of death due to flame of fire and postmortem report is in consonance with the prosecution story.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is not inclined to grant bail to the petitioner. As such his prayer for bail stands rejected.

The trial court is directed to expedite and conclude



the trial.

(Sunil Kumar Panwar, J)

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