

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88886 of 2024

Arising Out of PS. Case No.-842 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Himanshu Kumar Son of Vipin Mishra Resident of village -Pragatinagar,
Bada Jaganath, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Kumar, Advocate
		Mr. Bijay Kumar Pathak, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 15-02-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Ahiyapur P.S. Case no. 842 of 2023 registered under sections 302, 307, 326 and 34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant states that on reaching the *sasural* of his daughter, he saw the accused persons including the petitioner herein who happens to be his son-law pour kerosene oil on his daughter and lighted her up. He further states that as a result of the occurrence of burning, both his daughter and her son were killed. His son-in-law ie the petitioner herein had been pressurizing her to give him divorce.

4. It is submitted by learned counsel for the petitioner



that though the earlier prayer for bail of the petitioner was rejected vide order dated 2.4.2024 (Annexure-P/I) passed in Cr. Misc. no. 20542 of 2024, however, the petitioner has a very good case on merits. Admittedly the father of deceased is not an eye witness. It was a case of pure accident and there is no reasonable explanation as to why the petitioner would harm his children. It was the mother of the petitioner who had called for the ambulance whereafter the daughter of the informant was taken to the hospital. There had been no allegation whatsoever by the deceased in the past. In spite of the petitioner being in custody since 22.8.2023, the trial has still not concluded and as per instructions, the witnesses who have been examined have not supported the prosecution case as levelled in the F.I.R. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 20.1.2025, three witnesses on behalf of the prosecution out of total of ten charge-sheeted witnesses have been examined till date after charge was framed in the learned trial Court on 12.9.2024.

7. Having heard learned counsel for the parties and



taking into consideration the allegations in the F.I.R.and the material that has transpired in course of investigation being that the petitioner who happens to be the husband of the deceased having poured kerosene oil on the body of the informant's daughter and having burnt her up as a result of which she along with her son and daughter had also sustained serious burn injuries and died in course of treatment, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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