

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2209 of 2026

Arising Out of PS. Case No.-444 Year-2023 Thana- NAUTAN District- West Champaran

Jitendra Sah Son of Late Jawahir Sah Resident of Village- Khadda Chowk,
P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with Nautan P.S. Case No. 444 of 2023 registered for the offence punishable under Sections 341, 323, 325, 326, 307, 506, 506 and 498-A/34 of the I.P.C. and $\frac{3}{4}$ of the DP Act.

3. The petitioner is named in the F.I.R. and is in custody since 15.10.2023

4. As per FIR, petitioner who is the husband of the informant/deceased alleged to cause her burn injury leading to her death along with his mother and sisters after pouring kerosene oil upon her due to non-fulfillment of demand of dowry, on 14.10.2023 at about 3:30 PM.

5. Learned counsel appearing on behalf of the



petitioner submitted that as per FIR mother of informant was present in the hospital and also in matrimonial home of the informant on the date of occurrence, but while deposing before the Court during the trial as P.W. 3 she categorically stated that she was told nothing about the occurrence by her deceased daughter. She also stated that she had no complain for petitioner (son-in-law). It is submitted that in view of aforesaid keeping this petitioner behind the bar for any further period would not serve any purpose of justice. While concluding the argument, it is submitted that out of 7 prosecution witnesses 3 have been examined till date, where petitioner remains in custody for more than two years and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that deceased herself is the informant of this case, who categorically made her statement before S.I. Shudhanshu while admitted in burn ward of GMCH, Bettiah. Petitioner being husband on the date of occurrence alleged to



poured kerosene oil on deceased and his two sisters hold her hand and hair, whereas mother thrown lightened matchstick upon her, out of which she received serious burn injury. It is pointed out that FIR in fact is on par of the dying declaration of the deceased. It is also pointed out that post-mortem report mentioned cause of death as burn injuries. Arguing further, learned APP submitted that allegations of dowry demand, physical assault, abuse also appears available as per FIR against petitioner and his family members and moreover progress of trial is also satisfactory as out of 7 charge-sheeted witnesses 3 have already examined. In this context, it is further submitted by learned APP that petitioner prima-face failed to explain how informant received burn injuries as alleged in view of Section 106 of the Indian Evidence Act.

7. In view of aforesaid factual submission and by taking note of fact as the allegation against petitioner is specific as to pour kerosene oil upon informant/deceased, who herself is the author of the FIR, where cause of death opined as burn injury, where progress of trial also appears satisfactory as mentioned aforesaid, accordingly prayer of bail



of petitioner stands rejected.

8. It is made clear that observations made, if any, shall be of no bearing over the merit of this case during the trial.

(Chandra Shekhar Jha, J.)

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