

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32962 of 2015

Arising Out of PS.Case No. -119 Year- 2015 Thana -BEGUSARAI TOWN District- BEGUSARAI

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1. Dharambeer Das, Son of Late Laddu Das, Resident of Village - Ratanpur, Ward No. 21, P.S. - Town, District - Begusarai.
 2. Pawan Kumar, Son of Kapil Deo Das, resident of village - Nanku Mandal Tola, P.S. - Muffasil, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Pranav Kumar(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 12-01-2016 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Begusarai Town P.S. Case No.119 of 2015 for allegedly having committed the offences under Sections 341, 323, 326, 448 and 307/34 of the Indian Penal Code.

Case diary in the present case was called for, which has since been received.

Learned counsel for the petitioners submits that though there is an allegation against these petitioners that they entered into the premises of the informant Soni Devi and after committing *Marpit* on her husband and the informant, they



sprinkled kerosene oil on her body and set her on fire, in several paragraphs of the case diary, including the statement of the husband of the informant and the mother-in-law of the informant, there is no such averment. He accordingly submits that in view of the contradictory versions of two eye witnesses and also other independent witnesses, the story of the informant stands falsified and the petitioners are entitled to the benefit of pre-arrest bail.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that though the petitioners have been named in the F.I.R. as having participated in the occurrence and also sprinkled kerosene oil over the body of the informant and lit her on fire, other independent witnesses have not supported the prosecution version nor have the husband and the mother-in-law of the informant supported the case.

Considering the aforementioned facts and circumstances, the contradictory versions of the witnesses and that the petitioners have no criminal antecedents, let both the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each

with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai Town P.S. Case No.119 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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