

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47009 of 2016

Arising Out of PS.Case No. -166 Year- 2016 Thana -GAUTAMBUDHNAGAR District- SIWAN

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Mannu Kumar, Son of Late Arjun Ram, Resident of Village- Chari, P.S.-
G.B. Nagar, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 10-01-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
G.B. Nagar P.S. Case No.166 of 2016 registered under Sections
341, 326 and 307/34 of the Indian Penal Code, pending in the
court of the Chief Judicial Magistrate, Siwan.

The accusation is that on 18.07.2016 in the noon, when
the informant had gone to attend the call of nature near bush, at
that time, this petitioner and one unknown person reached there
and dragged her from the bush. Thereafter, this petitioner
sprinkled kerosene oil on the body of the informant and unknown
person put the fire by lightening the match stick. On raising alarm



by the informant, the petitioner and unknown person fled away from there and the mother of the informant and other villagers controlled the fire and took the informant in an injured condition to Sadar Hospital, Siwan, for treatment.

Learned counsel appearing on behalf of the petitioner submits that, in fact, there was love affair in between the informant and her co-villager Subhas Kumar and the informant wanted to perform the marriage with him but the family members of the informant were not ready, due to that reason, the informant committed suicide by sprinkling kerosene oil but within an ulterior motive and due to previous enmity this false case has been lodged. Further submission is that there is no eye witness to the occurrence.

On the other hand, learned A.P.P. for the State opposed the prayer of the petitioner for grant of anticipatory bail with the submission that the informant has clearly made allegation against the petitioner of sprinkling kerosene oil on her body and, thereafter, unknown person put the fire by lightening the match stick in which she sustained burn injury. In course of treatment, the informant died on 23.07.2016 at P.M.C.H., which would appear from paragraph-33 of the case diary and a prayer has also been made by the Investigating Officer of the case to add Section



302 of the Indian Penal Code in the case, which would appear from paragraph-39 of the case diary.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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