

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63283 of 2017

Arising Out of PS. Case No.-39 Year-2017 Thana- HASPURA District- Aurangabad

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1. Ram Babu Gupta, S/o Late Jhansi Sao
 2. Prakash Chandra
 3. Vikash Kumar, Both sons of Ram Babu Gupta, All Residents of Village- Haspura, P.S.- Haspura, District- Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Lilawati Singh, Advocate

For the Opposite Party : Smt. Indu Bala Pandey (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 05-02-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Haspura P.S. Case No. 39 of 2017, registered for the offences punishable under Sections 448, 341, 323, 326, 307, 504, 506/34 of the Indian Penal Code.

Allegedly, the petitioners no. 3 & 2 caught the informant and the petitioner no.1 after sprinkling kerosene oil on her body set fire, resulting she started crying and managed to extinguish the fire with the help of Avinash Kumar and Prince Kumar. She was referred to P.M.C.H. Patna where her fardbeyan



was recorded.

Submission is of false implication and that fardbeyan has been recorded after much delay which makes the case doubtful. The informant has extramarital relation with Avinash Kumar and husband of the informant has filed a case for restitution of conjugal right and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel of the informant opposes the prayer of pre-arrest bail by submitting that the informant was received 44 % burnt injury.

In the facts and circumstances as stated above, considering that petitioner no.1 (Ram Babu Gupta) sprinkled kerosene oil and set the body of informant on fire and and, as such, I am not inclined to grant privilege of pre-arrest bail to **petitioner no.1 (Ram Babu Gupta) and accordingly his such prayer stands rejected.**

So far other **petitioner no. 2 (Prakash Chandra) and petitioner no. 3 (Vikash Kumar)** they in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order **shall 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 learned Chief Judicial Magistrate,
Aurangabad, in connection with Haspura P.S. Case No. 39 of
2017, subject to the conditions as laid down in section 438(2) of
the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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