

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.56194 of 2017**

Arising Out of PS.Case No. -83 Year- 2016 Thana -BAIKUNTHPUR District- GOPALGANJ

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Gajendra Thakur, Son of Sakal Thakur, Resident of Village-Bistol, P.S.  
Baikunthpur, District Gopalganj.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sudhir Kumar Singh

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      18-01-2018                      The petitioner seeks bail in anticipation of his  
  
arrest in connection with Baikunthpur P.S. Case No. 83 of 2016  
  
dated 14.07.2016 instituted for the offences under Sections  
  
304B/34 of the Indian Penal Code.

The brother of the deceased viz. Suresh Thakur  
has lodged the F.I.R on 14.07.2016 alleging that his sister was  
married to the petitioner about three years ago and that  
intermittently, her in-laws and husband troubled her. On  
13.07.2016, when the informant claims to have gone to the  
matrimonial home of the deceased, he found the house locked. On  
suspicion, he claims to have enquired from the neighborhood and  
learnt that the deceased has been killed in the night of 12.07.2016  
and the dead body has been burnt.

Learned counsel for the petitioner has submitted  
that an absolutely false and concocted case has been lodged by the



informant which can be seen from the investigation papers. He has drawn the attention of this Court to the fact that immediately after the registration of the present case on 14.07.2016, the Investigating Officer of the case had gone to Baikunthpur hospital and he was told that preliminary treatment to the deceased was given at Baikunthpur but she was later referred to Gorakhpur. After the deceased could not respond to the medication, she was brought back to her matrimonial home. The Investigating Officer of this case, when made an enquiry from the relatives of the deceased, was told that the deceased had caught fire while cooking and had suffered seventy percent burn injuries.

What is of significance is that in the case diary, in his further statement, the informant has stated a different story. He has stated before the police that when he went to the matrimonial home of the deceased, he was informed that the deceased had been taken to Baikunthpur hospital for treatment. He, thereafter, went to the Baikunthpur hospital and there he was informed that the deceased has been taken to Gorakhpur. He also claims to have seen the body of the deceased at the matrimonial home in the ambulance when she was brought home from Gorakhpur after she died. These facts were withheld and in the F.I.R, he has alleged that he learnt that the deceased has been done to death.



Learned counsel for the petitioner has, therefore, submitted that for reasons which are not explicable or known to the informant, the present case has been lodged. In fact, all attempts were made by the family of the petitioner to afford best treatment to the deceased who had caught accidental fire. The other persons of the family have been granted anticipatory bail by a Bench of this Court vide order dated 11.08.2017 passed in Cr. Misc. No. 17893 of 2017.

For the informant having said something in his further statement which is substantially different from the averments made in the F.I.R, this Court is of the view that it is not safe to totally rely on the F.I.R and hence is inclined to grant anticipatory bail to the petitioner.

The petitioner, above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. Case No. 83 of 2016.

**(Ashutosh Kumar, J)**

Shageer/-

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