

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16003 of 2019

Arising Out of PS. Case No.-66 Year-2014 Thana- TAJPUR District- Samastipur

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Jawahar Rai, Gender-Male, aged about 62 years, Son of Late Chandradeep Rai, Resident of village-Bamuiara, P.S.-Tajpur (Halai O.P.), District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.

Ms. Babita Kumari, Adv.

Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-03-2019 The petitioner seeks bail in anticipation of his arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 66 of 2014, dated 10.03.2014, instituted for the offences under Sections 302/34 of the Indian Penal Code.

It appears that one Suman Devi had lodged a *fardebayan* on 08.12.2011 at Apollo Burn Hospital, alleging that because of her having demanded a share on behalf of



her husband from the petitioner, she was put on fire. The aforesaid *fardbeyan* though was written on 08.12.2011, but no case appears to have been registered thereafter. It was only after three years, that a photocopy of the aforesaid *fardbeyan* was produced before the police by the brother of the deceased, on the basis of which, the subject F.I.R. was registered for investigation on 10.03.2014, *i.e.*, after more than three years.

The petitioner happens to be the father-in-law of the deceased.

The police, after investigation, finding the accusation to be false and motivated and for the purposes of obtaining property by the brother of the deceased, submitted final report false. However, the report of the police was not accepted by the learned Chief Judicial Magistrate, who, differing with the finding of the police report, took cognizance against the petitioner; thus, the necessity of preferring the present anticipatory bail application.

Considering the aforesaid facts, the petitioner above named, in the event of his arrest or surrender before



the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-Ist, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 66 of 2014, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, it is directed that the petitioner shall participate in the trial and shall not unnecessarily try to delay the conclusion of the same. Should the petitioner attempt doing so, it would be open for the prosecution to proceed for the cancellation of the anticipatory bail granted to the petitioner.

(Ashutosh Kumar, J)

Praveen-II/-

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