

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42766 of 2019**

Arising Out of PS. Case No.-31 Year-2018 Thana- PATEPUR District- Vaishali

MD. IMRAN Son of Late Md. Mohibul Haq Resident of Gram - Tejpurva,  
P.S.- Pathepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Mishra

For the Opposite Party/s : Mr.Yogendra Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      30-09-2019      The petitioner apprehends his arrest in connection with  
Patepur P. S. Case No. 31 of 2018 registered under Sections  
304B/34 of the Indian Penal Code.

Allegation against the petitioner is that petitioner along  
with his other family members has set the daughter of the  
informant on fire due to which she has died in hospital.

Learned counsel appearing on behalf of the petitioner  
submits that petitioner has falsely been implicated in this case  
inasmuch as from perusal of Annexure-3, which is fardbeyan of  
the deceased recorded by the police dated 26.02.2018, it would  
be evident that the deceased has died due to accidental fire  
while making food on the date of occurrence i.e., on 26.02.2018.  
Learned counsel further submits that the FIR has been lodged by  
the father of the deceased on a concocted story and with oblique



motive. Learned counsel further submits that from perusal of the postmortem report, it would further be evident that deceased has died due to anti-mortem burn injury.

Learned counsel for the State, referring to case diary, submits that all the family members of the deceased from the side of her father, have supported the prosecution story but none of the witnesses has supported the prosecution story from the side of the petitioner and others. Learned counsel further submits that minor child of the deceased has supported the prosecution story on which learned counsel for the petitioner submits that child was residing with the maternal-grand-father and might be tutored whereas from the fardbeyan which the deceased herself recorded on 26.02.2018, it would be evident that the deceased has died due to burn injury caused during preparation of food.

Having regard to the submissions made by the parties and taking into consideration the fact that fardbeyan of the deceased has been recorded on 26.02.2018 in which she has stated that while making food, she was caught by accidental fire, accordingly, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or



surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub Judge XI-cum-ACJM-X, Vaishali, Hajipur in connection with Patepur P.S.Case No. 31 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

sujit/-

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