

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22847 of 2020**

Arising Out of PS. Case No.-3 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. SHIV SHANKAR CHAUDHARY S/o Late Darbhi Chaudhary Resident of Village-Rajakpur, P.S.-Nawkothe, District-Begusarai.
 2. Sanjay Chaudhary S/o Shiv Shankar Chaudhary Resident of Village-Rajakpur, P.S.-Nawkothe, District-Begusarai.
 3. Santosh Chaudhary S/o Shiv Shankar Chaudhary Resident of Village-Rajakpur, P.S.-Nawkothe, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar, Adv.
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP
For the Informant	:	Mr. S.K. Lal, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 05-11-2020 Heard learned counsel for the petitioners, learned counsel representing the informant and Mr. Narendra Kumar Singh, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Nawkothe P.S. Case No.03 of 2019/ G.R. No.106/19 registered for the offences punishable under Sections 326, 307 and 504/34 of the Indian Penal Code in which Section 302 I.P.C. has been added after taking cognizance.

Learned counsel for the petitioners submits that as per



the allegations there is specific allegation in the F.I.R. that co-accused Harinandan and his son Bipin had actively participated in pouring kerosene oil on the body of the informant and then set her on fire. So far as these petitioner are concerned, it is alleged that they were among those accused who had caught hold of the informant while co-accused Bipin set the body on fire.

Learned counsel submits that in course of investigation a final form was submitted as the I.O. found that there were witness saying that the deceased had a dispute with her own son on account of which she had committed suicide. Differing with the police report, however, the learned court below has taken cognizance of the offences and proceeded against the accused persons including these petitioners. Learned counsel submits that in these circumstances the petitioners deserve privilege of anticipatory bail.

On the other hand, learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners. It is submitted that from the statement of the deceased it would appear that these petitioners had actively participated in the alleged occurrence. The petitioners had gone to the house of the informant/deceased and



there was some prior enmity due to a land dispute and then accused persons set the informant on fire, these petitioners had allegedly caught hold of the informant. It is submitted that the application is for anticipatory bail and considering the gravity of the offences alleged and the statement of the deceased the petitioners do not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case and the materials available on the record where this Court has noticed the fardbeyan of Ms. Kumari Asha (deceased), in her fardbeyan she has specifically named these petitioners who had caught hold of her and then Harinandan had poured the kerosene oil and his son put the body on fire, there being active participation of the petitioners alleged by the informant who later on succumbed to her injury, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. The prayer is refused.

In case the petitioners surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this Court.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as



granting any interim protection to the petitioners for the
aforesaid period.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

