

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79944 of 2019

Arising Out of PS. Case No.-108 Year-2017 Thana- LAHERIYASARAI District- Darbhanga

Kailash Prasad Gupta, Son of late Ramautar Sah, Resident of Mohalla -
Kotwali Chowk, Naka No. 5, P.S.- Town, Distt - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Narayan, Advocate.

For the Opposite Party/s : Mr.Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 05-10-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner is accused in connection with
Sessions Trial No. 289 of 2017 arising out of Laheria Sarai P.S.
Case No. 108 of 2017, registered under Sections 341, 323, 324,
307, 379, 504, 427 and 326/34 of the Indian Penal Code.

The accusation is of catching hold of Manoj Kumar
Choudhary, son of the informant, Krishna Kant Choudhary by
the petitioner and his three sons, namely, Pradeep Kumar Gupta,
Praveen Kumar Gupta @ Vikki and Gaurav Kumar Gupta @
Litlu Kumar Gupta and also pouring the petrol by Pradeep
Kumar Gupta and Gaurav Kumar Gupta at Manoj Kumar
Choudahry and lit on fire through match stick by Praveen



Kumar Gupta @ Vikki, due to which Manoj Kumar Choudhary sustained burn injury and died in course of treatment.

Learned counsel for the petitioner submits that only allegation has been made against the petitioner to catch hold the deceased, Manoj Kumar Choudhary, son of the informant and thereafter pouring the petrol by Pradeep Kumar Gupta and Gaurav Kumar Gupta, sons of the petitioner and lit on fire by Praveen Kumar Gupta @ Vikki, in which, Manoj Kumar Choudhary, sustained burn injury and died in course of treatment. It is further submitted that petitioner has no criminal antecedent and is in custody since 26.03.2017. It is further submitted that co-accused, Pradeep Kumar Gupta and Gaurav Kumar Gupta, both sons of the petitioner, has already been granted privilege of provisional bail by coordinate Bench of this Court vide order dated 28.05.2020 passed in Criminal Misc. No. 44423 of 2019. It is further submitted that in chemical examination of the cloths of the deceased, no sign of sprinkling of K.Oil, petrol and diesel was found, which would appear from annexure 9 of the supplementary affidavit.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the Ist Additional Sessions Judge, Darbhanga, in connection with Sessions Trial No. 289 of 2017 arising out of Laheria Sarai P.S. Case No. 108 of 2017. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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