

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35712 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

1. Sabitri Kumari, Daughter of Charitra Das Resident of village- English Chichroun, P.s.- Akbar Nagar, District- Bhagalpur
2. Sita Kumari, daughter of Charitra Das Resident of village- English Chichroun, P.s.- Akbar Nagar, District- Bhagalpur
3. Chandan Kumar son of Charitra Das Resident of village- English Chichroun, P.s.- Akbar Nagar, District- Bhagalpur
4. Ranju Devi wife of Charitra Das Resident of village- English Chichroun, P.s.- Akbar Nagar, District- Bhagalpur
5. Charitra Das son of Late Meghu Das Resident of village- English Chichroun, P.s.- Akbar Nagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-10-2021 Heard Shri Indu Bhushan, learned counsel for the

petitioners and Shri Uday Chand Prasad, learned A.P.P. for the

State.

The petitioners are seeking anticipatory bail in
connection with Akbar Nagar P.S. Case No. 30 of 2020
instituted for the offences under Sections 307 and 34 of the
Indian Penal Code.

Learned counsel for the petitioners, at the outset,
submits that all the petitioners are persons with clean



antecedent. It is further submitted that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant has alleged that Sabitri Kumari, Sita Kumari daughters of Charitra Das, Chandan Kumar aged 19 years, son of Charitra Das, Ranju Devi, wife of Charitra Das and Charitra Das along with others have been implicated in the present F.I.R. by the informant Anjali Kumari aged about 15 years, daughter of Sikandar Das alleging that on 06.03.2020 while she was coming to her house in the midway, the aforesaid accused persons along with others met her and when she came back to her house then she was tied and kerosene oil was sprinkled on her body and she was set on fire from which she received serious burn injury. Further that her mother went away leaving her in her childhood and at the time of occurrence her father was not present in the house. It is further alleged that the motive behind the occurrence was that the informant used to go to school wearing jeans pant and some of the accused while going to school could not afford or wear jeans pant due to which they used to quarrel, as a result of which the entire family member of Charitra Das came to the house of the informant and after pouring kerosene oil tried to burn her.

Learned counsel for the petitioners at the outset,



submits that from bare perusal of the allegations as alleged in the F.I.R. the same does not inspire confidence for the reason that it is improbable that entire family member of Archana Kumari with whom the informant was studying and had differences with regard to wearing jeans, would come to her house, sprinkle kerosene oil and try to kill her. Learned counsel further submits from the pleadings made in para '11' and '12' of the anticipatory bail application that Sikandar Das, father of the informant in between 1993 to 2015 had married five times and all his wife left while the present informant was born out of the wedlock from the third wife. The fact that all the wives had left Sikandar Das amply goes to demonstrate that he was a person of questionable character. The learned counsel further submits that the occurrence took place on 06.03.2020 when the informant was admitted in the hospital as stated in the F.I.R. but her *ferdbeyan* was recorded on 08.03.2020, when her burn injuries were simple in nature. The learned counsel submits since the burn injuries were simple in nature as such she was in a position to make her statement when she was brought to the hospital but it seems that she was tutored and thereafter she instituted the present F.I.R. by getting her *ferdbeyan* recorded.

The learned counsel for the petitioners draws the



attention of the Court to paras '6', '7', '8' and '9' of the case diary in which the statements of the relatives are recorded at paras '6', '7, and '9' and statement of one neighbour is recorded at para '8'. They have supported the prosecution story. The learned counsel for the petitioner further draws the attention of the Court to paras '21', '22', '23', '30' and '54' of the case diary in which the statements of the independent witnesses have been recorded who stay close by the house of the petitioners and the informant. They have not supported the prosecution case rather to the contrary they have stated that it was the father of the informant who committed the occurrence and got the petitioner implicated. Further in para '55' Sarpanch's statement has also been recorded wherein he has stated that he had written to the police that the father of the informant was called for *panchayati* but he did not turn up and he has also recorded in writing that the petitioners are innocent and have been falsely implicated in the present case.

Learned counsel for the petitioner at this stage again submits that the statement of the independent witnesses gets corroborated from the allegations also in the sense that on such trivial issue no prudent person would indulge in such ghastly act and the fact that the burn injuries are simple in nature also



suggest to the contrary that it might have been a dispute between the informant and her father and two days' time was taken to tutor the informant to implicate the petitioners.

Learned A.P.P. for the State does not dispute the submission of the learned counsel for the petitioners insofar as the statement of the witnesses as has been recorded in the case diary.

Considering the facts and circumstances of the case in its totality, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Bhagalpur in connection with Akbar Nagar P.S. Case No. 30 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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