

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.774 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

-
1. PRABHU KAPAR S/O BINDESHWARI KAPAR @ VINDESHVARI KAPAR RESIDENT OF VILLAGE MAHANGUWA, P.S.-KUNDWA CHAINPUR, DISTRICT-EAST CHAMPARAN.
 2. DAYA SHANKAR KAPAR S/O BINDESHWARI KAPAR @ VINDESHVARI KAPAR RESIDENT OF VILLAGE MAHANGUWA, P.S.-KUNDWA CHAINPUR, DISTRICT-EAST CHAMPARAN.
 3. HARI SHANAKR KAPAR S/O BINDESHWARI KAPAR @ VINDESHVARI KAPAR RESIDENT OF VILLAGE MAHANGUWA, P.S.-KUNDWA CHAINPUR, DISTRICT-EAST CHAMPARAN.
 4. BINDESHWARI KAPAR @ VINDESHVARI KAPAR S/O LATE AMAR KAPAR RESIDENT OF VILLAGE MAHANGUWA, P.S.-KUNDWA CHAINPUR, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma- Advocate
For the State	:	Dr. Indihar Kumari- A.P.P.
For the Informant	:	Mr. Anshu Dhar Sharma- Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 17-08-2021 Heard Mr. Umesh Chandra Verma, the learned Advocate for the petitioners, Mr. Anshu Dhar Sharma, the learned Advocate for the informant and Dr. Indihar Kumari, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Kundwa Chainpur P. S. Case No.04 of 2020, instituted for the offences under Sections 302, 328/ 34 of the Indian Penal Code.



One Baidyanath Kapar had lodged a report with the police on 03.01.2020 alleging that on 02.01.2020, his granddaughter was taken away by one Ashok Kumar (grandson of petitioner no.4) towards bamboo orchard and because such association between them was not liked by the family members of Ashok Kumar, they tried to burn the deceased, but the police arrived midway.

The learned Advocate for the petitioners has submitted that the deceased, no doubt, died of burn injuries but during the investigation, it came to light that the deceased (girl) and Ashok Kumar were found in the house of the informant. Both were captured and were brutally assaulted. When this news reached out, the family members of Ashok Kumar could manage to take him away but because the victim was a person of tender age, the brutal assault on her by her own family members resulted in her death. Thereafter, her family members wanted to hush up the case. They entered into a clandestine agreement with petitioner no.4 that the dead body be disposed off and because the grandson of petitioner no.4 was instrumental for such a happening, the informant be also recompensed materially. Such statement have come through the mouth of independent witnesses, who had gone to the crematorium and



had found that the informant and his family members themselves were trying to dispose off the dead body by burning her.

Precisely for this reason, the gage of the investigation turned towards the informant and he was ultimately arrested. He is also said to have admitted that the deceased and Ashok Kumar were assaulted but unfortunately the deceased succumbed to the injuries. Thereafter an attempt was made to dispose off the dead body but before that, on the information provided to the police, the case was lodged.

Because of the fact that informant himself has become an accused in this case, it would be difficult to accept the accusation against the petitioners for having killed the deceased or having participated in the occurrence which led to the death of the deceased.

Surprisingly, the grandson of the petitioner no.4 was taken away from the house of the informant but his statement has yet not been recorded by the investigator. He would have been the best person to depose about the sequence of events leading to the death of the deceased.

Be that as it may, considering the fact that the informant himself has become an accused in this case and



independent witnesses have disclosed that the deceased was assaulted at the house of the informant by her own family members, the petitioners cannot be saddled with the charge of murdering the deceased.

For the aforesaid line of investigation and the facts stated by the independent witnesses, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahna at Dhaka, East Champaran in connection with Kundwa Chainpur P. S. Case No.04 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

vikash/-

U		T	
---	--	---	--

