

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38721 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- KARJA District- Muzaffarpur

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1. RAJ MANGAL PANDEY Son of Jaylal Pandey Resident of Village - Bankagaon, P.S.- Karja, Distt.- Muzaffarpur.
 2. Rakesh Pandey Son of Raj Mangal Pandey Resident of Village - Bankagaon, P.S.- Karja, Distt.- Muzaffarpur.
 3. Rama Devi W/o Raj Mangal Pandey Resident of Village - Bankagaon, P.S.- Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 07-04-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.



The petitioner nos. 2 and 3 are apprehending their arrest in Karja P.S. Case No. 35/2020 registered under Sections 498(A), 307, 34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act in which sections 302/34 IPC were added later on.

Allegation against the accused persons is of setting ablaze the informant after putting K. Oil due to which the victim sustained injury and later died in course of treatment.

It has been submitted on behalf of the petitioners that the petitioner nos. 2 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 2 and 3. The petitioner nos. 2 and 3 have falsely been implicated in the present case. The petitioner no. 2 happens to be brother-in-law and the petitioner no. 3 happens to be mother-in-law of the deceased. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioner nos. 2 and 3 in the said occurrence.

On behalf of the State, it is submitted that the petitioner nos. 2 and 3 are named in the F.I.R. The F.I.R. is the dying declaration of the deceased. There is specific allegation in the F.I.R. against the petitioner nos. 2 and 3 regarding their



participation in the alleged occurrence by the deceased herself.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner nos. 2 and 3. The prayer is rejected. If the petitioner nos. 2 and 3 surrender in the Court below and pray for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Pankaj/-

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