

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2988 of 2021

Arising Out of PS. Case No.-329 Year-2020 Thana- RAMNAGAR District- West Champaran

Arvind Prasad @ Arvind Kumar Gupta @ Arvind Prasad Gupta S/O Late
Shankar Prasad Resident Of Village Belagola, Harinagar, P.S. Ramnagar
District West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Bimlesh Kumar Pandey, Advocate
For the State	:	Mr.APP
For the informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-09-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant through
virtual mode.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Ramnagar P.S. case No.329/2020 registered under Sections
341, 323, 506, 498A, 307 and 34 of the Indian Penal Code,
pending in the court of A.C.J.M. Vth, Bagaha, West Champaran.
Later on, Section 302 of I.P.C. was also added.

Prosecution case, in short, is that the accused persons
including the petitioner burnt the sister of the informant after
sprinkling kerosene oil.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is the brother-in-law of the deceased. There is no eye witness to the alleged occurrence. He has been made accused due to mistake of fact.

On behalf of the State and the counsel for the informant, it is submitted that the petitioner is named in the F.I.R. and it is the petitioner, who had poured kerosene oil and lit fire on the deceased. The deceased had 85 percent of burn injuries. The children of the deceased have supported the prosecution case, whose statements are in paragraph Nos.24 and 25 of the case diary. As per Section 106 of Evidence Act, the onus is on the petitioner to explain the cause of death of the deceased. Earlier this case was instituted for offence under Section 307 of I.P.C. and other allied Sections. After the death of the deceased, Section 302 of I.P.C. is also attracted in the present case.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.



If the petitioner surrenders before the court below and
prays for regular bail, same shall be considered on its own merit
without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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