

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2255 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- PANAPUR District- Saran

1. Anil Rastogi @ Anil Prasad Son Of Late Madan Pd. Rastogi R/O Village- Panapur, P.S.- Panapur, District- Saran
2. Bipin Rastogi @ Vipin Rastogi Son Of Anil Rastogi @ Anil Prasad R/O Village- Panapur, P.S.- Panapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Panapur
P.S. Case No. 157 of 2021 registered for the offence under
Sections 302 and 201 of the Indian Penal Code.

Both the accused/petitioners are named in the F.I.R.
and in custody since 08.08.2021.

The allegation against both the petitioners is to
commit murder of daughter of the informant by putting her on
fire, where petitioner no. 1 is father-in-law and petitioner no. 2



is husband of the deceased.

Learned counsel appearing on behalf of the petitioners submitted that informant is not the eye witness of the occurrence and the entire allegation is based upon suspicion against both the petitioners. It is submitted that independent witnesses, during course of investigation, stated that occurrence was nothing but accident, where deceased died due to burn injury while cooking. It is further submitted that last rite was performed after giving proper information to informant. It is also submitted that, it is surfaced during course of investigation that both the petitioners were not present at their home during occurrence. While concluding the argument, it has been submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where independent witnesses suggest that death is accidental, where both the petitioners were not present at their home



during occurrence coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Panapur P.S. Case No. 157 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- IV, Saran at Chapra/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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