

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30622 of 2021**

Arising Out of PS. Case No.-10 Year-2020 Thana- RAGHUNATHPUR District- Siwan

BRAJESH PANDEY Son of Surendra Pandey Resident of Village -
Dighwaliya, P.S. - Raghunathpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Ravindra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 24-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Raghunathpur P.S. Case No. 10 of 2020, dated 18.01.2020
instituted for the offences under Sections 306 and 116 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.02.2021, is a person with clean
antecedent and charge-sheet has been submitted in this case.

Learned counsel for the petitioner submits that the
informant (deceased) alleges that in the year 2011, she was
married with the petitioner and after marriage from the wedlock
children was born but on trivial issues the informant was



harassed by the petitioner and his family members and on the fateful day of occurrence while the informant was leaving for her parental home as there was quarrel in the house but the petitioner on way requested her to come back on which the informant came back to her matrimonial home and then the petitioner asked the informant about the reasons for leaving the matrimonial home on which it is alleged that the informant said that she will lock herself in the room on which the petitioner asked what she will do thereafter, she said that she will burn herself on which the petitioner brought petrol and sprinkled on her and the informant in anger put herself on fire and thereafter she alleges that she started screaming for help but no one came to help her nor any of the accused who were present there tried to stop her from putting herself on fire.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the marriage of the petitioner with the deceased had taken place in 2011 out of the wedlock children was born and it seems that the petitioner and the informant used to quarrel and also that informant was a lady with short temper and the petitioner also in heat of the moment just to show that he is also angry sprinkled petrol on the informant but had never imagined that



the informant will put herself in fire.

Learned counsel for the petitioner submits that if the petitioner had any intention of killing her then he along with his family member would have burnt her. Learned counsel further submits that the occurrence took place on 09.01.2020 and the deceased was immediately rushed to the hospital where her statement was recorded by the police which is annexed as Annexure-3 to the bail application and from perusal of the same, it would manifest that what is alleged in the FIR is completely contrary to what was stated by the informant at the first instance before the police when her statement was recorded in the emergency ward. Learned counsel next submits that in her first statement before the police the informant stated that while she was cooking food on gas all of a sudden the pipe of the gas burst leading to firing in which she got burnt but in the FIR subsequently she has given a different story.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and there are two versions of the allegation as aforesaid, let the petitioner above named be released on bail, **after framing of**



the charges, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Siwan in connection with Raghunathpur P.S. Case No. 10 of 2020.

(Satyavrat Verma, J)

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