

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50512 of 2021**

Arising Out of PS. Case No.-847 Year-2020 Thana- SUPAUL District- Supaul

PANKAJ CHAUDHARY S/O SRI BHAGWAT CHAUDHARY R/o village-
Nagar Parishad Ward No. 25, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Mr.Pravin Kumar
For the Opposite Party/s :		Mr.Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 10-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Supaul Police Station Case No. 847 of 2020, registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

On 24.11.2020, at about 11:30 AM, in the PMCH,
Patna, the fardbayan of the informant was recorded, who is the
elder brother of the petitioner and has alleged that on
19.11.2020, the petitioner, along with his wife and parents-in-
law, assaulted the wife of the informant and when the informant
returned back to his home for lunch, he pacified the matter. It
has further been alleged that subsequently he went to get some
grocery from the market and when he came back, he saw his



wife was lying in unconscious condition due to burn injuries and from the cot and other articles, smell of kerosene oil was coming. He also alleged that the petitioner and other accused persons tried to push the informant in the fire also, due to which he received burn injury in his hand.

Learned Counsel for the petitioner submits that the petitioner is the full brother of the informant and he has falsely been implicated in this case with oblique motive. He next submits that the occurrence has taken place on 19.11.2020 and for the first time, the informant gave his fardbayan on 24.11.2020 and during this period (about five days), he did not report to the police or any other authority regarding the present occurrence and after the death of his wife, he has implicated the petitioner due to some family dispute. He next submits that during the course of investigation, no eye-witness has supported the prosecution story and there may be a possibility that the deceased might have caught accidental fire or she might have committed suicide, due to some scuffle with her husband. He further submits that the petitioner is residing in the ancestral house, which was partitioned between the petitioner and the informant much earlier on 08.03.2020. He further submits that the petitioner is in custody since 03.03.2021 and charge



sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the occurrence has taken place in broad day light in the afternoon, but during the course of investigation, no eye-witness has been examined by the police and only four hear-say witnesses have been examined by the police, though the occurrence has taken place on 19.11.2020, the same has been reported to the police on 24.11.2020 and that too after the death of the wife of the informant, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Suapul, in connection with Supaul Police Station Case No. 847 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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