

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52984 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

Dashrath Chaudhary Son Of Late Harihar Chaudhary Resident Of Village-
Narvara, P.S.- Tariyani, District- Sheohar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur- Advocate Mr. Pravin Kumar- Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Tariyani
P. S. Case No.99 of 2021, instituted for the offences under
Sections 498(A), 302, 201, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 03.07.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant (Chaukidar) alleges that while he along with Rakesh
Kumar were on duty in the night, they saw a ball of fire near
Brahmsthan, when they reached at the place of occurrence, they



saw that a woman was burning rather was burnt badly. They saw Amit standing near his house along with 3-4 unknown persons and when help was sought from Amit along with unknown persons, then they fled. It is further alleged that on hulla, people came and the fire was doused. Thereafter, the informant went to the house of Amit and found articles scattered and smell of kerosene oil was also coming and further, no one was present in the house.

It is further alleged that on inquiry by people, who had gathered, they disclosed that Amit had performed love marriage with Ritu Sinha (deceased) and had three children out of the wedlock, but Amit suspected his wife's character and used to assault her badly, even though, it was the deceased, who was running the home by earning through tuition. It is further alleged that a day before the occurrence at 2.00 P.M., Amit had assaulted the deceased and on that day in the night, four persons had come. Further Amit along with persons had killed the deceased and put her body on fire and further that the neighbours identified the dead body as that of Ritu.

The learned counsel for the petitioner submits that from the submissions made hereinafter, it would clearly manifest that the petitioner has been falsely implicated in the



present case. The learned counsel submits that petitioner is not named in the F.I.R. and came to be implicated in the confessional statement of Amit. The implication is completely false as the petitioner was to contest the election of Mukhiya and his adversaries got an opportunity to get him implicated through Amit with the help of the police.

The learned counsel further submits that few days back, Amit had sold a one decimal of land to the petitioner and the petitioner had given the part of the consideration money to the deceased and the part money was still to be paid for which Amit after six hours of the occurrence had called the petitioner on his mobile in between 4.40-4.45 A.M. and even talked at 5.00 A.M. for two minutes. It is further submitted that the call between the petitioner and Amit got automatically recorded in the mobile and from hearing of which, it would manifest that both of them were talking with regard to the left over money, which was to be paid by the petitioner to Amit and the said recording is also part of the investigation as the recording has been handed over to the police.

The learned counsel further submits that the informant is the Chaukidar and as such, he knows all the villagers and the informant in the F.I.R. alleges that he saw Amit with 3-4



unknown persons. It is thus submitted that the petitioner also is a resident of the same village of which Amit and the informant are and if the petitioner would have been present with Amit, then the informant definitely would have recognized and identified him, but the fact that the F.I.R. records that there were unknown persons that in itself demonstrates that petitioner was not present at the place of occurrence and came to be implicated in a very well hatched manner as Amit talked to him after the occurrence portraying as if the petitioner was also involved and hence, there was a talk between the two.

The learned A.P.P. for the State opposes the bail application, but is not able to meet the submission made by the learned counsel for the petitioner that the informant and the petitioner being villagers then as to why the informant was not able to identify the petitioner as submitted by the learned counsel for the petitioner.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sheohar in connection with Tariyani P. S. Case No.99 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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