

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45514 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- BIRAUL District- Darbhanga

1. Md. Naushad @ Md. Naushad Alam, Son Of Ullah @ Md. Garibul @ Md. Garibullah R/O Village- Ram Nagar Supaul Bazar, P.S.- Biraul, Dist.- Darbhanga
2. Md. Aktiyar @ Aktiyar @ Akhtiyar Alam, Son Of Ullah @ Md. Garibul @ Md. Garibullah R/O Village- Ram Nagar Supaul Bazar, P.S.- Biraul, Dist.- Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad
For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Sections
436, 302, 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and the
informant alleges that he had brought his first wife to his house
on the orders of the Court two months ago. It is next alleged that
on 13.05.2022 in the night when he was sleeping with his
second wife, then at 4.00 A.M., his first wife poured petrol on
him, his mother and his second wife and also poured the petrol



on her body also and thereafter, said everyone ablazed. It is next alleged that informant first wife committed the said occurrence under the influence of the petitioners and two other accused as named in the F.I.R. It is next alleged that on account of the occurrence, his first wife and the mother died.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that petitioners are own brothers of the first wife of the informant. It is next submitted that it absolutely does not stand to reason that the petitioners would have advised their own sister to set everyone ablaze including herself. It is further submitted that since there was dispute between the informant and his first wife on account of which, previously cases under Section 498-A of the I.P.C. was also instituted and out of anger, the first wife of the informant might have committed the occurrence or it may be a possibility that the informant after committing the occurrence very wisely instituted the present case, so that he does not get implicated in a case under Section 304-B of the I.P.C. It is also submitted that no doubt, the mother of the informant has also died, but then it is a matter of investigation. The learned counsel further submits that petitioner will not evade the law rather will cooperate in the investigation



and will present themselves as and when required by the Investigating Officer, so that the truth comes out.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Biraul P. S. Case No.164 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioners despite giving assurance to this Court is not cooperating in the investigation or is not presenting themselves when called, the learned trial Court after giving an opportunity of hearing to the petitioners shall pass orders in accordance with law and shall also have liberty to cancel their bail bonds.



The learned trial Court is directed to send a copy of
this order to the concerned Police Station.

(Satyavrat Verma, J)

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