

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60572 of 2021

Arising Out of PS. Case No.-203 Year-2018 Thana- CHHATAPUR District- Supaul

1. SATYANARAYAN CHAUDHARY S/o Sitaram Chaudhary Resident of Ward No. 03, Village- Thariya, P.S.- Kishanpur, District- Supaul (Bihar)
2. Ratan Devi D/o Satyanarayan Chaudhary Resident of Ward No. 03, Village- Thariya, P.S.- Kishanpur, District- Supaul (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Sessions Trail No. 197 of 2021 arising out of Chhatapur P.S. Case No. 203 of 2018 registered for the alleged offences under Sections 341, 323, 302, 307, 379, 498A and 34 of the Indian Penal Code.

The prosecution case is that the petitioners along with other co-accused persons set the informant on fire by sprinkling kerosene oil on her body. The petitioners are stated to be the



second wife of the husband of the informant and her father.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case as they are on quite good terms with the husband of the informant. It was a case of accidental burn and informant implicated the petitioner though they were not present at the place of occurrence. The date of occurrence is stated to be on 14.05.2018 and the FIR has been registered on 29.06.2018. There is no explanation for this undue delay. However, other co-accused person namely Bajrang Lal who is husband of the deceased has been granted bail vide order dated 14.07.2021 passed in Cr. Misc. No. 5866 of 2021 and other similarly placed co-accused persons have been granted anticipatory bail by another Coordinate Bench vide order dated 14.12.2018 passed in Cr. Misc. No. 71743 of 2018. Charge sheet has been submitted in this case and the petitioners are in custody since 17.06.2021.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that there is specific allegation against the petitioners that they were instrumental in setting the informant on fire and she died as a result thereof.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that there is nothing on record against the



petitioners to show their complicity in the alleged occurrence and further considering the fact that the co-accused persons who are similarly situated have been granted bail/ anticipatory bail, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Supaul in connection with Sessions Trail No. 197 of 2021 arising out of Chhatapur P.S. Case No. 203 of 2018, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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