

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18618 of 2023

Arising Out of PS. Case No.-139 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Raj Kishore Nirala son of Shankar Prasad Yadav Village- Sahebpur Kamal
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ritesh Verma
For the Opposite Party/s	:	Mr.Jagdhari Prasad
For the informant	:	Mr. Anshu Dhar Sharm

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 04-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant that the petitioner along with other accused persons assaulted her husband and on raising objection they sprinkled kerosene oil on the body of her husband and set fire due to which he burnt and died.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case on account of admitted enmity and land dispute. The petitioner and deceased



are the full brother. No one is the eye witness of the alleged occurrence. General and omnibus allegation has been levelled against the petitioner. There is no consistent material against the petitioner which shows his complicity. During investigation, the witnesses have not supported specific overt act of sprinkling kerosene oil on the deceased which has been levelled against the petitioner. It is also submitted that after completing the investigation charge-sheet has been submitted u/ 306/34 of I.P.C. not u/s 302. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The petitioner is languishing in judicial custody since 26.11.2022.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail and submitted that petitioner is named in the F.I.R. and cause of death is burning.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sahebpur Kamal P.S. Case No. 139 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each



to the satisfaction of the learned Additional Chief Judicial
Magistrate-IV, Begusarai.

(Sunil Kumar Panwar, J)

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