

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29160 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

-
-
1. Sunil Devnath S/O Late Ray Mohan Devnath Resident of Village- Rulahi, Ward No.- 4, P.O.- Rulahi, P.S.- Muffasil, District- East Champaran.
 2. Sanjit Kumar Devnath @ Sanjit Devnath S/O Sunil Devnath Resident of Village- Rulahi, Ward No.- 4, P.O.- Rulahi, P.S.- Muffasil, District- East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Advocate
For the Informant	:	Mr. Samir Kumar, Advocate
		Mr. Saurav Kumar, Advocate
		Mr. Ajit Kumar, Advocate
For the State	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the office,
be removed within a period of four weeks from today.

03. In the present case, the petitioners are apprehending
their arrest in connection with Muffasil P.S. Case No. 28 of 2023,
registered on 13.01.2023, for the alleged offence under Sections
341, 323, 307, 504/34 of the Indian Penal Code and later on added
Section 302 of the Indian Penal Code.

04. As per prosecution case, the informant alleged that
the petitioners and other co-accused persons caught hold his
nephew and set him on fire, who later on succumbed to his
injuries.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is no specific allegation against the petitioners who are father and son, respectively. The deceased committed suicide and no person is an eye witness to the alleged occurrence, even the informant is not an eye witness. Learned counsel further submits that co-accused Sindhu Devnath instituted a criminal case against the deceased, which was prior to the alleged occurrence, but the police did not register the case, which was later on registered as Muffasil P.S. Case No. 27 of 2023 under Section 504, 506 of the Indian Penal Code.

06. Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that there is specific allegation against the petitioners and other co-accused persons that they assaulted the deceased and set him on fire after sprinkling oil. Learned counsel further submits that the witnesses have supported the prosecution case and the submission made on behalf of petitioners is not correct. Learned counsel further submits that since the nephew of the informant has died, his statement prior to death (dying declaration) is adequate to prove the involvement of the petitioners along with other co-accused persons.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the serious nature of allegation against the petitioners, I do not think it is a fit case for grant of anticipatory bail.

08. Hence, prayer for anticipatory bail of petitioners is hereby rejected.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--