

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35528 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

1. Sanjay Kumar, S/O Late Ram Briksha Singh, Resident Of Mohalla- South Krishna Niketean School, Village- Jakariaypur, P.S.- Ram Krishna Nagar, District- Patna.
2. Sushila Kumari, W/O Sanjay Kumar, Resident Of Mohalla- South Krishna Niketean School, Village- Jakariaypur, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh- Advocate
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-01-2023 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 326, 302 and 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 his two brothers and their wife used to torture him for paternal property, in which his mother used to stay. Further, the brothers asked him to leave it or the accused would kill him. It is next alleged that on 21.01.2022 at 8.00 P.M., when the informant went out for work, his brothers, petitioner no.1 and Naval Kumar along with petitioner no.2 put kerosene on his wife and set her on fire and locked her in a



room and when the informant reached his house, he found her fully burnt. It is next alleged that informant along with local people brought her to hospital on 26.01.2022 at 6.30 P.M. where she died. Thus, it is alleged that informant believes that on account of greed for property, his both brothers and sister-in-laws have killed his wife.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.2 is a woman. It is next submitted that petitioners have been falsely implicated in the present case. It is further submitted that petitioner no.1 is own brother of the informant and petitioner no.2 is wife of petitioner no.1. It is also submitted that it absolutely does not stand to reason that if there was any dispute with respect to the property, it was between the brothers, as such, no useful purpose would have been served by killing the wife of the informant by the petitioners as the dispute was with respect to paternal property of the informant as alleged.

The learned counsel next submitted that from perusal of Annexure-2 to the anticipatory bail application, it would manifest that the same is dated 24.01.2022, wherein fard-bayan of this informant was recorded by S.I. Lallan Singh of P. S. Agam Kuan at Asian Hospital, wherein he has stated that while



his wife was taking heat from a *Borsi*, her *saree* caught fire on account of which, she was burnt.

The learned counsel thus submits that it was the earlier version of the informant before the S.I. of Agam Kuan P. S., but when the informant was referred to P.M.C.H., the present F.I.R. came to be instituted. The learned counsel next submits that the allegation appears to be inherently improbable and patently absurd for the reasons aforesaid.

The learned counsel next submits that in compliance of order dated 29.11.2022, the S.H.O. Agam Kuan P. S. along with S. I. Lalan Singh have also filed their separate counter-affidavits and from perusal of their counter-affidavits, it would manifest that the informant earlier on 24.01.2022 had got his statement recorded before Lalan Singh, Sub-inspector of Police. It is thus submitted that since the informant on the earlier occasion had stated before the Sub-inspector that his wife died on account of burn injury, which she received while taking heat from a *Borsi*, but subsequently by way of after thought, the present F.I.R. came to be instituted.

The learned counsel at the cost of repetition submits that there was absolutely no justification for the petitioners to kill the wife of the informant and that too, for dispute relating to



paternal property.

Learned A.P.P. opposes the bail application and submits that he has filed counter-affidavits on behalf of S.H.O., Agam Kuan and S.I. Lalan Singh on 17.01.2023 after serving copy on the counsel for the petitioners.

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 Ram Krishna Nagar P. S. Case No.77 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

The order has been dictated after perusal of the counter-affidavits, which was served on the petitioners by the learned A.P.P.

(Satyavrat Verma, J)

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