

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39433 of 2023

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

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Sindhu Devnath Son Of Late Beni Devnath Resident Of Village Rulahi, Ward
No 4, Po Rulahi, P. S Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Advocate
For the Informant	:	Mr. Samir Kumar, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the Informant and learned APP

for the State.

2. Petitioner seeks bail, who is in custody since

14.01.2023, in connection with Muffasil P.S. Case No. 28 of

2023, F.I.R. dated 13.01.2023 registered for the offences

punishable under Sections 341, 323, 307, 504/34 of the Indian

Penal Code and later on Section 302 of the Indian Penal Code

was added.

3. The prosecution case, in short, is that on

13.01.2023 at about 7:00 P.M. the informant was at his home, he

heard a noise and came out of his house and saw his maternal

nephew Mukesh Kumar was under ablaze in front of the house



of Sindhu Devnath and his maternal nephew was crying. With the help of the villagers, somehow the flame was put off and the informant's maternal nephew stated that Sindhu Denath, Sanjeet Devnath, Ratan Devnath, Lalita Devi, Sunil Deo nath and Rina Devi caught hold of him in front of the house of Sindhu Devnath and assaulted him and poured oil on his person and set him ablaze. The injured was brought to Motihari from where he was referred to SKMCH, Muzaffarpur and later the injured succumbed to the burn injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it transpired that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and there is case and counter case between the parties. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.01.2023.



5. The learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant, vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and apart from that the trial is going on and out of six chargesheet witnesses, three witnesses have already been examined by the prosecution.

6. Considering the facts and circumstances of the case that there is general and omnibus allegation against the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Muffasil P.S. Case No. 28 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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