

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74255 of 2023

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

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Sanjit Kumar Devnath @ Sanjeet Deonath, Son of Sunil Deonath, Resident of
Village - Rulahi, P.S. - Muffasil, Motihari, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 28 of 2023, registered for the alleged offences under Sections 341, 323, 307, 504/34 of the Indian Penal Code and later on Section 302 IPC was added.

3. As per prosecution case, the petitioner and other co-accused persons set the nephew of the informant on fire, who died in course of his treatment.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the informant is not an eye witnesses and the prosecution story is based on suspicion. In



fact, the deceased wanted to marry with the daughter of co-accused Sindhu Deonath and when he refused, in frustration, the deceased committed suicide by setting himself on fire. The petitioner is not related with the girl or her father, co-accused Sindhu Deonath. The petitioner was not even present at the place of occurrence at the time of alleged occurrence. There is vague and omnibus allegation against the petitioner and other co-accused persons. The co-accused Ratan Devnath, Lalita Devi and Rina Devi have been granted anticipatory bail vide order dated 31.07.2023 passed in Cr. Misc. No.28525 of 2023 by a Coordinate Bench of this Court. Another co-accused Sindhu Devnath has been granted regular bail vide order dated 18.09.2023 passed in Cr. Misc. No.39433 of 2023 by a Coordinate Bench of this Court. The petitioner is in custody since 19.07.2023 and the charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioner. The learned counsel for the informant submits that the petitioner and other co-accused persons set the nephew of the informant on fire and the deceased before his death named the petitioner and other co-accused persons.



6. At this stage, learned counsel for the petitioner submits that the victim was alive for five days after the alleged occurrence, but his statement was not recorded by the police.

7. Having regard to the facts and circumstances of the case and submissions made hereinabove and considering the non-specific nature of allegation against the petitioner with grant of anticipatory/regular bail to the other similarly placed co-accused persons and further considering the submission of charge sheet, the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 28 of 2023, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner 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 petitioner will be liable to



be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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