

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28483 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- BIRAUL District- Darbhanga

1. MANOJ ROY @ MANOJ MANDAL S/O LATE UPENDRA ROY @ UPENDRA MANDAL R/O VILLAGE- BHAINI RASHULPUR, P.S- BIRAUL, DISTT.- DARBHANGA.
2. AMARJEET ROY @ AMARJEET UPENDRA MANDAL S/O LATE UPENDRA ROY @ UPENDRA MANDAL R/O VILLAGE- BHAINI RASHULPUR, P.S- BIRAUL, DISTT.- DARBHANGA.
3. AMAN @ AMAR KUMAR MANDAL @ APAN S/O MANOJ ROY @ MANOJ MANDAL R/O VILLAGE- BHAINI RASHULPUR, P.S- BIRAUL, DISTT.- DARBHANGA.
4. SURYA MALA DEVI W/O MANOJ ROY @ MANOJ MANDAL R/O VILLAGE- BHAINI RASHULPUR, P.S- BIRAUL, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 03-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 326 and 307/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 4 is a woman.
4. The informant alleges that Prince Kumar had gone to the parental home of his wife to bring her back to the matrimonial



home on 30.05.2023. Further, she received an information from the village of her daughter-in-law that Prince Kumar has been immolated, accordingly, she reached the place of occurrence and came to know that Manoj Roy, Amarjeet Roy, Aman and wife of Manoj Roy poured petrol on her son and thereafter immolated him causing injury. Further, her daughter-in-law and Samadhi extinguished the fire and took Prince Kumar to a government hospital from where he was referred to PMCH for better treatment and is fighting for his life.

5. Learned counsel for the petitioners submits that Prince Kumar subsequently during the course of treatment died. It is further submitted that Prince Kumar is son of the informant but inadvertently in the FIR at some places Prince Kumar has been described as her brother. It is next submitted that Prince Kumar had gone to the parental house of his wife in absence of male members who had gone to attend the marriage ceremony in the family. It is further submitted that since only female members were present in the house, hence, Prince Kumar assaulted his wife (Gunja Devi) and threatened other female inmates with gun but then he was over powered and the gun was snatched and handedover to the police and Gunja Devi instituted Biraul P.S. Case No. 241 of 2023 against Prince Kumar. It is also submitted that Prince on coming to know that his wife has instituted a police



case, he tried to commit suicide by immolating himself but then his wife extinguished the fire and took Prince to a government hospital for treatment from where he was referred to the PMCH.

6. Learned counsel for the petitioners submits that petitioners are cousin father-in-law, cousin nephew and cousin mother-in-law of Prince Kumar i.e. petitioners no. 1 and 2 are uncle of Gunja Devi and petitioner no. 3 is her cousin brother and petitioner no. 4 is wife of petitioner no. 1. It is further submitted that from perusal of the FIR, it would manifest that the same does not even remotely suggest that petitioners are related to Gunja Devi but then gives an impression as if four accused persons for some ulterior reason tried to immolate Prince Kumar. It is next submitted that no reason for the occurrence is also alleged in the FIR. It is also submitted that when the informant came to know about the real facts that on account of a police case which was instituted by Gunja, Prince Kumar committed the said act, the informant thereafter filed an application dated 12.01.2024 (Annexure-3 to the anticipatory bail application) before the learned trial court stating therein that the instant case has been filed under wrong impression. It is also submitted that the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with Biraul P.S. Case No. 262 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned court below shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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