

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70637 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- SATHI District- West Champaran

Indu Devi W/o Sri Shambhu sah Resident of village- Samhauta, P.S- Sathi,
District- west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 71607 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- SATHI District- West Champaran

Shambhu sah S/O Late Radhakishun Sah Resident of village samhauta P.S.-
Sathi District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 72909 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- SATHI District- West Champaran

Priyanka Devi Wife of Sri Amit sah Resident of Village- Sikta Bazaar, P.S.-
Sikta, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 70637 of 2024)
For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 71607 of 2024)
For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 72909 of 2024)
For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH



ORAL ORDER

2 23-10-2024 Mr. Sharad Kumar Verma, learned Counsel for the
Petitioners and learned APPs' for the State are present and they
are heard.

2. The petitioners apprehend their arrest in connection
with Sathi P.S. Case No. 51 of 2024 dated 24.03.2024 registered
for the offences punishable under Sections 341, 323, 326, 307,
504, 506 and 34 of the Indian Penal Code.

3. The main submissions advanced by learned
counsel appearing for the petitioners are that the petitioners are
completely innocent, in fact, the informant suspected his wife to
have illicit relation with her brother-in-law, Amit Sah which
resulted in tense relation between the informant and his wife and
on the alleged day of occurrence, the informant himself went to
the parental house of the informant and thereafter set himself on
fire in the field of Bhikhari Thakur and Mustquim Mian and the
said fact has been supported by an independent witness namely,
Pankaj Kumar during investigation. It is further submitted that
against the petitioner, Indu Devi, there is no serious allegation
and she is alleged to have participated only in the first part of
the occurrence which relates to simple *marpit* allegedly
committed with the informant by the accused.

4. Learned APP for the State has opposed the prayer



for bail of the petitioners.

5. Heard both the sides and perused the F.I.R. The F.I.R. is based on the *fardbeyan* of the informant who subsequently died and as per the allegation, the informant went to the parental house of his wife on the request of his wife and thereafter he insisted his wife to return with him then, firstly, the petitioners caught hold of the informant and thereafter forcefully took him inside their house and thereafter at the direction of the co-accused, Amit Kumar, the victim's wife and the petitioner, Shambhu Sah brought a gallon containing petrol and thereafter petitioners, Priyanka Devi, Shambhu Sah and co-accused, Awadhesh Sharma, Amit Sah poured petrol on the body of the informant and set him on fire. The informant died four days after recording *fardbeyan* at G.M.C.H., Bettiah.

6. Considering the seriousness of the allegation appearing against the petitioners, Priyanka Devi and Shambhu Sah, this Court is not inclined to grant them privilege of anticipatory bail. Accordingly, their prayer stands rejected.

7. So far as the prayer of the petitioner, Indu Devi is concerned, as she is not alleged to have participated in the main occurrence of setting the informant on fire which resulted in his death and further the allegation appearing against her is general



and omnibus in nature and any specific role of her in the first part of occurrence has not been revealed, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner, namely, Indu Devi, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Sathi P.S. Case No. 51 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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