

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89635 of 2024

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

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Amit Sah @ Amit Kumar Son of Anil Sah @ Anil Kumar Resident of Village
-Sikta Bazar, PS -Sikta, District -West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Siddharth Harsh, Adv.
For the State	:	Mr.Ahmad Ali, APP
For the O.P. No.2	:	Mr. Aditya Nath Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 07-02-2025 Heard Mr. Siddharth Harsh, learned counsel for the

petitioner, Mr. Ahmad Ali, learned APP for the State and Mr.

Aditya Nath Jha, learned counsel for the O.P. No.2.

2. The petitioner seeks regular bail in connection with

Sathi P.S. Case No. 51/ 2024 dated 24.03.2024 registered for the

offence(s) punishable under Section(s) 341, 323, 326, 307, 504,

506 read with section 34 of the IPC.

3. As per the prosecution's story, the informant went

to the parental house of his wife, Geeta Devi, on her request,

and thereafter he insisted his wife to return with him then,

firstly, petitioner and other co-accused caught hold of the

informant and thereafter, forcefully took him inside their house

and thereafter, at the direction of this petitioner, co-accused,



Geeta Devi and Shambhu Sah brought a gallon containing petrol and thereafter, co-accused, Priyanka Devi, Shambhu Sah, Awadhesh Sharma and the petitioner poured petrol on the body of the informant and set him on fire. The informant died four days after the recording of the fardbeyan at G.M.C.H., Bettiah.

4. The main submissions advanced by learned counsel for the petitioner are that the petitioner is brother-in-law of the deceased and as per the FIR, the deceased was forcefully taken inside the parental house of the co-accused, Geeta Devi, who happens to be wife of the deceased, and he was set on fire inside the house but during the course of investigation, the I.O. investigated from the co-villagers who stated that the deceased himself set on fire in open field which was inspected by the I.O. and after the investigation, the I.O., finding substance in the factum of suicide, submitted chargesheet under section 306 of the IPC, in fact, the petitioner does not belong to the village where the alleged occurrence is said to have taken place and he has been falsely implicated and against him, investigation has been completed and there is no corroboration of the deceased's statement, which is said to be his last statement before his death.

5. On the contrary, learned counsel for the informant has vehemently opposed the bail prayer of the petitioner and



submitted that it is the petitioner who was mainly responsible for the death of the deceased and before death, the deceased's own statement was recorded in which he made direct allegation against this petitioner.

6. Heard both the sides and perused the case diary of this case. The instant matter is based on the deceased's own statement which was recorded by him before his death and as per the allegation, the deceased went to the parental house of his wife where an incident of quarrel first took place in between him and his wife and then suddenly, the deceased was taken by the accused persons at the courtyard of the house and then the petitioner and co-accused brought petrol and the same was poured upon the deceased's body by this petitioner and other accused persons and thereafter, the deceased was set on fire and consequently, he died during the course of treatment. Though, during the investigation, one witness, namely, Pankaj Kumar, who claimed to have reached immediately at the place of occurrence said that he saw the deceased in burning condition and several co-villagers had gathered at that time who were trying to douse the fire but he did not say anything about the presence of the accused persons at that time if the deceased set himself on fire then the in-laws of the deceased or the petitioner



must have tried to douse the fire but their absence from their own house at the place of occurrence just after the commission of the alleged occurrence creates a suspicion in respect of their conduct and further, during the course of investigation, the deceased's relatives stated that before the death of the deceased, it was informed to them by the deceased himself that the petitioner was also involved in the alleged crime.

7. Considering the seriousness of the allegation and mainly taking into account the deceased's own statement which is completely against the petitioner, this court is not inclined to release the petitioner on bail. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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