

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.436 of 2025

Arising Out of PS. Case No.-574 Year-2021 Thana- BEUR District- Patna

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1. Anoop Kumar Shrivastava @ Anup Kumar Srivastav @ Pankaj Kumar Shrivastava @ Pankaj Kumar Srivastava Son of Neel Mani Srivastav village- Kanakpur, Pragatipur, P.S-Beur, dist- Patna P/A- Shitalpur, ps-Dighwara, Dist- chhapra
 2. Adarsh Kumar Shrivastava @ Adarsh Kumar Srivastav Son of Shiv Kumar Srivastav village- Kanakpur, Pragatipur, P.S-Beur, dist- Patna P/A- Shitalpur, ps- Dighwara, Dist- chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Prabhakar, Advocate Mr. Kumar Rajdeep, Advocate Mr. Pawan Kumar Jha, Advocate
For the Informant	:	Mr. Dharendra Nath Jha, Adv
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 26-05-2025 Heard learned Senior Counsel for the petitioners and learned counsel for the Informant as well as learned APP for the State.

2. The petitioners seek bail in connection with Beur P.S. Case No. 574 of 2021 registered for the offences punishable under Sections 302, 341, 325 and 34 of the Indian Penal Code.

3. As per the FIR, the informant has alleged that the accused persons are stated to have sprinkled petrol over his son on 18.12.2021 and burnt him, which resulted in his death in P.M.C.H on 25.12.2021. It has further been alleged by the



informant that his son Vikas used to work in a mobile shop of the accused persons and the accused persons had burned his son because of the dispute over the payment of his salary of three months.

4. Learned Senior Counsel, Mr. N.K. Agrawal appearing on behalf of the petitioners has submitted that the present case is an out and out false case against the petitioners against whom an allegation of sprinkling petrol on the son of the informant and setting him on fire has been leveled on a petty dispute of payment of his salary of three months that too after 7 days delay of the occurrence. It has further been submitted by the learned senior counsel that during the course of investigation, it has come that the petitioner No.2 had never left his shop on the fateful day and moreover, from the CCTV footage it is also clear that the talks between the petitioner and the son of the informant was very normal and there could not be seen any heated arguments or discussion taking place between them. It has also been submitted by the learned senior counsel that it has come during the course of investigation through footage of CCTV that Vikas, the deceased, was seen taking petrol and thereafter, leaving the petrol pump and going on an auto. It has further been submitted that one of the material witness/independent



witness, namely, Aryan Kumar, who had called on the mobile of the Petitioner No. 2 after the occurrence and had established the fact that the deceased was in a semi burnt stage had requested to call on the mobile number of the petitioner No. 2 to save his life. It has further been submitted that during the course of investigation several witnesses have been examined by the police, who have stated that the petitioner had come to one Jagdamba Hospital at 3 PM and the Manager has stated that he was informed that the said injured Vikas Kumar had received burn injuries on account of gas cylinder further when he was taken to Trideo Hospital, the Manager there was informed that he had received the burn injuries on his own and when finally the injured was taken to PMCH, the HOD of PMCH during investigation has stated that while admitting the patient he was informed that he got burnt while making tea. The learned senior counsel has stated that there are material contradictions in the statement of the witnesses, as also the informant himself, who has changed the version of his statement from FIR to his restatement. The learned senior counsel has submitted that the CDR collected during the course of investigation also does not prove the complicity of the petitioners in the present case and looking into the material contradictions and the evidence



collected during the course of investigation, the IO did not find any material against the petitioners and hence had submitted a final form on 26. 11. 2022 against the petitioners.

5. The learned Senior Counsel, Mr. N. K. Agrawal has thus, summarized his submissions to the effect that the delay in lodging of the FIR has not been explained as the occurrence had taken place on 18.12. 2021 and the FIR was lodged on 26.12. 2021. He has also submitted that there is contradictory statement of the informant in the FIR. vis-a-vis. his restatement by which the informant has tried to fill up the lacuna and the witnesses who had seen the deceased Vikas Kumar in the burnt condition and their statements also prove that the petitioners were not present at the place of occurrence. It has further been submitted that from the CCTV footage it is clear that the deceased Vikas Kumar had taken petrol from a petrol pump and was seen going on a tempo and there were three different versions of the cause of burn received by the son of the informant as has come during the course of investigation and finally because of the same, final form was submitted. Learned senior counsel thus, has submitted that in view of the clean antecedent of the petitioners and taking into account that the motive for such incident is a meager payment of three months' salary, which too is falsified from



perusal of the screenshot of Whats App chat between the petitioner and one Sandeep Shrivastava, which would suffice that even the salaries of November had been paid to the deceased on 21.2.2021 and therefore, the present case is an out and out false and concocted case lodged against the petitioners to coerce them into giving some money to the informant. It has lastly been submitted that the petitioners carry clean antecedent and are in custody since 12.11.2024.

6. Sri Dhirendra Nath Jha, the learned counsel for the informant has submitted that the petitioners are the named accused in this case, and they should not be released on bail because there is specific allegations of sprinkling petrol upon the deceased Vikas Kumar and then burning him to death. The learned counsel for the informant has further submitted that the witness has supported the factum of the son of the informant receiving burn injuries and the petitioners being involved and has referred to para 6,7, 24 and 33 of the case diary, which supports his contention. It has further been submitted that despite the submission of final form, the learned court below has taken cognizance and the revision preferred against the said order of cognizance before this Hon'ble court, has also been dismissed. The Learned counsel for the informant has further



submitted that the anticipatory bail applications preferred by the petitioners before this Hon'ble court has been rejected twice and as such, the present application being devoid of any merit should be dismissed. The learned counsel for the informant has also submitted that the statement of the victim was deliberately not taken by the police and thereby the police in connivance with the petitioners did not allow the correct fact to come forward. It has been submitted that there being enough evidence against the petitioners, they should not be enlarged on bail.

7. The learned APP for the State has supported the arguments forwarded by the learned counsel for the informant and has added that the petitioners being directly involved and specifically named in the present case, should not be released on bail.

8. Considering the aforesaid submissions made by the parties and taking into account that during the course of investigation, there is material contradictions in the statement of the witnesses as also the fact that the CCTV footage and the CDR reports does not establish the story stated by the informant and also taking into account the fact that the petitioners carry clean antecedent, let the above named petitioners be released on bail on each of them furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned J.M.F.C, Patna in connection with Beur P.S.

Case No. 574 of 2021 subject to the following conditions :

a. One of the bailors of the petitioners shall be there close relative.

b. The petitioners shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Sourendra Pandey, J)

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