

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15746 of 2016

Arising Out of PS.Case No. -55 Year- 2015 Thana -BEN District- NALANDA (BIHARSHARIFF)

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Pankaj Kumar @ Pankaj Ravidas, Son of Suresh Ravidas, resident of
village- Marhi, P.S. Ben, District Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is languishing in custody since 21.07.2015 in connection with Ben P.S. Case No. 55 of 2015 for the offences alleged under Sections 304B/34 of the Indian Penal Code, which was later on converted to Section 306/34 of the Indian Penal Code.

The prosecution case is that informant's sister Soni Devi (deceased) was married with petitioner Pankaj Kumar prior to five years according to Hindu rites and rituals. It is further alleged that after one month of the marriage, the accused-petitioner along with other co-accused, who are his family members, started demanding Rs. 50,000/- from his sister Soni Devi and taunting her. Later on, his sister Soni Devi narrated the



atrocities caused by the accused persons to her by telephone. It is further alleged that on 07.06.2015 the informant got a telephonic message that his sister has been burnt to death by sprinkling kerosene oil. They rushed at her in-law's house, where they saw that Soni Devi lying on the cot and groaning and the accused persons were absconding from the house. The informant's sister told them that she had not been provided food since three days and accused persons were assaulting her repeatedly for fulfilling their demand of Rs. 50,000/-. It is further alleged that when the demand of accused persons was not fulfilled, they burnt her sister to death by sprinkling kerosene oil. The informant took his sister at Biharsharif for treatment but on way, she died.

It has been submitted by the learned counsel for the petitioner that although the allegation is upon all the family members of the petitioner but chargesheet has been submitted only against him and his mother under Section 306/34 of the Indian Penal Code. He further submits that there is no direct evidence with respect to setting the deceased on fire and, in fact, petitioner was not living in the village as he had gone out of the village to earn livelihood.

However, learned A.P.P. for the State submits that the petitioner has been alleged to have committed the aforesaid

offence along with other co-accused and named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the period of custody and there is no direct evidence with regard to setting the deceased on fire by sprinkling kerosene oil by the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Ben P.S. Case No. 55 of 2015.

(Nilu Agrawal, J)

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