

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35889 of 2017

Arising Out of PS. Case No.-25 Year-2016 Thana- LAKHNAUR District- Madhubani

Ram Babu Das, son of Upendra Narayan Das, resident of Village- Deep West,
P.S.- Lakhanaur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. SRI SANJAY KUMAR TIWARY

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-09-2017 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the elder brother of the husband of the
victim has renewed his prayer for bail in a case registered under
sections 498A and 304B/34 of the Indian Penal Code.

The prosecution case is that the daughter of the informant,
Fulo Devi performed love marriage with the brother of the
petitioner, namely, Shyam Narayan Das. On 2.2.2016, all the
accused persons caused burn injuries to the daughter of the
informant for non-fulfillment of dowry demand. Subsequently,
the accused persons brought the victim to D.M.C.H., Darbhanga
and from there to P.M.C.H., Patna where she died on 17.2.2016.

It is submitted by learned counsel for the petitioner that the
petitioner is a Computer mechanic and resides at Kolkata. The



victim died due to the accidental burn injury while cooking. The victim was provided medical assistance.

Earlier bail application of the petitioner was rejected wherein liberty was given to renew the prayer for bail after examination of the informant during the trial. Now, the informant Sonai Kamat has been examined as P.W. 1, who has deposed as hear say witness to the effect that his daughter received accidental burn injury while cooking and has not supported the prosecution case, particularly, any specific accusation against the petitioner. The deposition of informant has been brought on record as Annexure A to the supplementary affidavit. The earlier bail application of the petitioner was rejected on consideration of the statements of the witnesses during investigation recorded in paragraph nos. 6,7 and 8 of the case diary who, supported the accusation to the effect that on alarm being raised, they reached on the spot when the victim was naming her husband and the petitioner and others, who caused burn injuries to her.

However, it is submitted that witnesses with whom the petitioner and his family were on inimical terms deposed against them. It is further submitted that the petitioner got two criminal cases lodged from jail itself against the informant's family for



committing dacoity in the house of the petitioner.

Mr. J.N. Thakur, learned APP, however, submits that the petitioner is the brother of the husband of the victim and the witnesses during investigation, have named him.

Considering the fact that the thrust of accusation is against the husband of the victim and the fact that earlier bail application was rejected with liberty to renew the prayer for bail after examination of the informant during trial, who has not supported the accusation against the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Jhanjharpur, Madhubani in connection with Lakhnaur (R.S.O.P.) P.S. Case No. 25 of 2016.

The learned court below will be at liberty to cancel the bail bonds of the petitioner in case he defaults without there being any cogent reason, on three consecutive occasions.

(Dinesh Kumar Singh, J)

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