

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14990 of 2017

Arising Out of PS.Case No. -276 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Pawan Kumar, Son of Kamaldeo Prasad Sah, Resident of Village-
Gandhinagar, Ramna Motihari, P.S.- Nagar Motihari, District- East
Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Anand Prasad Saraf S/o Late Gena Sah of village Birganj, Nepal P.S.
Birganj, Dist. Raxaul

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Surendra Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 06-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Section 302 of the Indian Penal Code.

There is allegation against the petitioner is of
committing murder of the deceased by burning.

Earlier the bail application of the petitioner was rejected
vide Annexure-1 to the present application, taking into account
that the petitioner is the husband of the deceased. The onus is on
him to explain the cause of the death of the deceased.

A report was called for from the trial Court regarding



the stage of the case. It has been reported that the case has been committed to the court of Sessions.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.04.2016. Charge has been framed. No witness has been produced on behalf of the prosecution. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has got no criminal antecedent. The petitioner has been made accused due to mistake of fact. There is no eyewitness to the alleged occurrence. No offence under Section 302 of the Indian Penal Code is made out against the petitioner. The cognizance has been taken for an offence under Section 302 of the Indian Penal Code. After 14 years of marriage, the alleged occurrence is said to have been taken place. In respect to the same occurrence, a U.D. case No.4/2016, P.S. Chatauni and U.D. case No. 06/2016 was instituted by the petitioner and his brother. His brother has also died in course of occurrence as he has sustained burn injury along with the deceased. Both the U.D. cases are Annexure-2 and Annexure-5 to the present application. As per U.D. Case, the deceased and the brother of the petitioner had sustained injury, while cooking. It was an accidental fire. The petitioner has remained in custody for more than one and half years.



Considering the aforesaid facts and circumstances, 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 Sri Manish Kumar, J.M.1st Class, Motihari, in connection with Motihari Town P.S. Case No. 276 of 2016, corresponding to Tr. No. 1497/2016.

(Sudhir Singh, J)

Amit/-

U		T	
---	--	---	--

