

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72985 of 2018

Arising Out of PS. Case No.-236 Year-2018 Thana- SAHARSA District-
Saharsa

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Gautam Kumar @ Gautam Kumar Sah Son of Deo Narayan Sah, resident of
Village- Saharsa, Police Station- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Ms. Renuka Ratnakar,APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-01-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 304(B), 302, 201/34 IPC registered in connection with
Saharsa Sadar P.S. Case No. 236 of 2018.

3. It is submitted that the petitioner has been falsely implicated
in connection with accidental death of his wife merely because he
happens to be the husband of the deceased. As a matter of fact, the
deceased was sustained burn injury owing to gas cylinder leakage
while cooking and she was taken to Surya Hospital, Saharsa for
treatment, from where she was referred for further treatment and died
midway. The informant was notified about the injury by the
petitioner's father upon which he came to Saharsa and found his
daughter in injured condition. After her death, members of both
families were participated in the cremation of the body. The petitioner
claims clean antecedents.

4. Learned APP refers to the case diary, but is unable to point
out any objective materials against the petitioner. In para 7 the
restatement of the informant has been recorded wherein he has stated



that he was present at the time of deceased's treatment at Saharsa and subsequently when she died. This is borne out from the statement of the uncle of the deceased as well.

5. Be that as it may, having regard to the entirety of the facts and circumstances, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 236 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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