

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18068 of 2021

Arising Out of PS. Case No.-5 Year-2019 Thana- JAYNAGAR District- Madhubani

SANTOSH SAH @ SANTOSH KUMAR SAH SON OF SATYA NARAYAN
SAH R/o village- Jaynagar Basti, P.S.- Jaynagar, District- Madhubani

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Surendra Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Jaynagar P.S. Case No. 05 of 2019 registered for the offences punishable under Sections 304(B), 201 and 120(B) of the Indian Penal Code.

As per the prosecution story, the marriage between the petitioner and the daughter of the informant was solemnised in 2012. Her daughter was being abused and tortured for demand of dowry. On 16.10.2018, the informant got a call from her son-in-law that her daughter has died. When the informant along with other villagers reached the sasural of her daughter then they were told by the villagers that her daughter has been done to death on 10.10.2018 by



putting acid on her body and her body has been cremated.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that informant's daughter died because of the burn injuries suffered by her in course of cooking and a report in this regard was registered by her husband which also contained the signature of the husband of the informant which shows that after the death there was no complaint against the petitioner and it is only much after the cremation of the dead body that the informant chose to file a complaint case whereafter the present F.I.R. has been lodged. There is an inordinate delay in filing of the complaint without any explanation.

Mr. Surendra Prasad Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the daughter of the informant died because of the burn injuries suffered by her in course of making food and a report in this regard was registered being U.D. Case No. 07 of 2018, the report contains the signature of the husband of the informant as well as that of this petitioner which shows that after the death there was no complaint against the petitioner and it is only much after the cremation of the dead body that the informant chose to file a complaint case whereafter the present F.I.R. has been lodged, in the nature of the



submissions and further finding that the petitioner has remained in jail for one year four months approximately, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhubani in connection with Jaynagar P.S. Case No. 05 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

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

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

