

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19540 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- BALTHAR District- West Champaran

Rohit Mian, Son of Late Nathuni Mian, Resident of Village- Chota
Dhankutwa, P.S.- Balthar, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-10-2021 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. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sessions Trial No. 230 of 2020 arising out of Balthar P.S. Case No. 58 of 2020 registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code. He is in custody since 06.07.2020. Petitioner has no criminal antecedent.

As per the prosecution story, the informant alleged that the marriage of her daughter was performed with this petitioner in the year 2012 and she was burnt to death by her in-



laws and the dead body was concealed somewhere.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the informant has lodged this case under some misconception and when she knew the real facts she has made statement under Section 164 Cr.P.C. stating that at the time of cooking her daughter caught fire.

Mr. Akhileshwar Dayal, 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 the marriage between the petitioner and the deceased had been solemnized in the year 2012 i.e. about eight years prior to the alleged occurrence, the allegations are general and omnibus that all the accused persons had burnt the daughter of the informant, however, the informant has himself made statement under Section 164 Cr.P.C. (Annexure '2') in which she has stated that the deceased had caught fire while she was cooking food and later on she came to know this fact, the petitioner has remained in custody for over one year three months, investigation against him is complete but the trial is not likely to take place in near future, the petitioner has other two little daughters who are to be looked after, in the nature of the



materials placed before this Court, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 9th Additional District and Sessions Judge, Bettiha, West Champaran in connection with Sessions Trial No. 230 of 2020 arising out of Balthar P.S. Case No. 58 of 2020, 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

