

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38671 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- BHAGWANPUR District- Vaishali

Sakindar Das @ Satyendra Kumar Das, Son of Gonaur Das, Resident of
Village - Banthur, P.S.- Bhagwanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Vipin Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard Mr. P.K. Shahi, learned Senior Counsel for the
petitioner and the learned APP for the State.

The petitioner seeks bail in connection with S.Tr.
No.72 of 2021 arising out of Bhagwanpur P.S. Case No.201 of
2020 registered for the offence punishable under Sections 304B,
201, 34 of the Indian Penal Code.

Mr. P.K. Shahi, learned Senior Counsel representing
the petitioner submits that the falsity of the allegation against
the petitioner under Section 304B I.P.C. is evident from the fact
that the husband has not been made as an accused. The
petitioner happens to be “*Dewar*” of the victim. It is further
submitted that the nature of the allegations itself creates a
suspicion on the veracity of the same. In the FIR, the informant



has alleged that she received telephonic intimation from the in-laws themselves that one day earlier, they have killed the victim.

The submission is that realizing the mistake the informant has subsequently filed a petition in the court stating that, in fact, she had participated in the funeral. Petitioner under such circumstances is stated to be in custody since 06.09.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submission as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, 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 court of learned ADJ-V, Vaishali at Hajipur, in connection with S.Tr. No.72 of 2021 arising out of Bhagwanpur P.S. Case No.201 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner.



The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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