

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24646 of 2020

Arising Out of PS. Case No.-355 Year-2017 Thana- NAUBATPUR District- Patna

RITU RAJ @ DILU S/o Shri Ashok Kumar Resident of Village-Kopa Kala,
P.S.-Naubatpur, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi
For the Opposite Party/s : Mr. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 28-01-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

The petitioner seeks bail in a case instituted for the offences under Sections 302, 304B and 34 of the Indian Penal Code.

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

A report was called for from the Trial Court. It has been reported that out of 07 prosecution witnesses, four witnesses have already been examined.

A supplementary affidavit has been filed on behalf of the petitioner bringing on record the deposition of four



witnesses. P.W. 1 (informant) is the father of the deceased, P.W.-2 is the brother of the deceased, P.W.-3 is uncle of the deceased and P.W.-4 is co-villager of the deceased. All the four witnesses have retracted from their earlier statement and in cross-examination, they have categorically stated that the present case has been instituted due to mistake of fact. The petitioner had no involvement in the said offence. The death of the deceased had taken place due to fire in course of cooking.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -II, Danapur, Patna in connection with Naubatpur P.S. Case No. 355 of 2017.

(Sudhir Singh, J)

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