

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29842 of 2020

Arising Out of PS. Case No.-310 Year-2018 Thana- EKMA District- Saran

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Vinay Prasad @ Binay Prasad Son of Udho Mahto @ Udho Prasad Resident
of Village- Banwari Amnaur, P.O. and P.S.- Ekma, District.- Saran (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Opposite Party/s : Mr. M.K. Gautam, APP

For the Informant : Mr. Satrugan Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

10-03-2021

Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the informant.

The petitioner seeks bail in connection with Ekma Police Station Case No. 310 of 2018 registered for the offences punishable under Sections 498-A, 304-B and 302 read with 34 of the Indian Penal Code. His prayer for bail was earlier rejected by this Court vide order dated 20.11.2019.

Learned counsel for the petitioner submitted that the petitioner is in custody since 01.12.2018. The charges were framed in the month of August, 2019 and, since then, no witness has been examined by the prosecution. He contended that even otherwise, it would be evident from the *fardbeyan* of the deceased, on the basis of which, the FIR was registered that the petitioner was not present in the house when the incident took place.



On the other hand, learned counsel for the State being assisted by the learned counsel for the informant has opposed the application for grant of bail. He contended that the case is based on dying declaration of the deceased. In her dying declaration, deceased had stated that it was the father-in-law, who had sprinkled kerosene oil upon her body and the mother-in-law lit the fire, as a result of which, she sustained burn injuries, for which, she was treated at Ekma Hospital and, thereafter, she came at PMCH, Patna where she succumbed to her injuries. He contended that the petitioner being the husband of the deceased has been assigned with the role of a conspirator.

Having regard the fact that admittedly the petitioner was not present when the alleged incident had taken place and he is in custody since 01.12.2018, he is directed to be released on bail, on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XII, Saran at Chapra in connection with Ekma Police Station Case No. 310 of 2018.

(Ashwani Kumar Singh, J)

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