

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37262 of 2020

Arising Out of PS. Case No.-40 Year-2017 Thana- DEODHA District- Madhubani

Sankalit Mukhiya, Son of Ramatar Mukhiya, Resident of Village - Rajauli,
P.S.- Deodha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Deodha
P.S. Case No.40 of 2017 bearing CRI Case No.977 of 2017 for
the offence punishable under Section 307/326 of the Indian
Penal Code.

Being the husband, petitioner is accused of setting
ablaze of his wife.

It is submitted that earlier the prayer for bail of the
petitioner was rejected on 28.03.2019. The petitioner's counsel
submits that the allegation is of setting ablaze the victim on
28.05.2017. She has, however, died on 10.06.2017. There is no
statement of the victim recorded in these 12 days. The petitioner
continues to be in custody since 16.06.2017.



Learned APP for the State has opposed the prayer for bail. It is submitted that earlier the prayer for bail was rejected on the ground that his mother has stated about his involvement and ante-mortem burn injury was found on the body of the deceased.

A report was also called for from the court. It states that two witnesses were examined on 04.01.2020. Thereafter, no prosecution witness has been produced or examined till date.

Considering the submissions and the period of custody, this Court is inclined to allow the prayer for bail.

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 learned ADJ-VI, Madhubani, in connection with Deodha P.S. Case No.40 of 2017 bearing CRI Case No.977 of 2017, 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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