

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4279 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- BARIYARPUR District- Munger

SIMPLE KUMAR Son of Basudev Sah Resident of Bariyarpur Bazar, Police Station-Bariarpur, District-Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-03-2021 Heard counsel for petitioner, counsel for informant and the State.

The petitioner seeks bail in Bariarpur P.S. Case No. 48 of 2020, registered for the offence punishable under Sections 304B, 302, 427 and 34 of the Indian Penal Code and section 3/4 of the Explosive Substance Act.

As per the prosecution case, daughter of the informant was married with Amit Kumar on 19.02.2018. After marriage, this petitioner, her husband along with other co-accused used to torture her for dowry. It is further alleged that informant's daughter gave birth to a son and came her *mai*ke along with her son. On 29.05.2020 in the night, informant's daughter after taking meal had gone to bed along with her son on the first floor. At about 1.30 am, Amit Kumar (son-in-law of the



informant) along with petitioner and other co-accused came at her house and called her, thereafter, informant's daughter along with her son came on the ground floor and bomb was exploded, as a result of which informant's daughter and grand-son died.

It is submitted on behalf of the petitioner that petitioner is elder brother of husband of deceased and he is living separately and has no concern with the family affairs of the deceased and her husband. There is general and omnibus allegation. Alleged occurrence has taken place at the *Maike* of deceased. From the FIR itself, it is apparent that due to bomb explosion the deceased died. Husband of the deceased is already in custody. Petitioner is in custody since 31.05.2020 having no criminal antecedent.

However, counsel for the informant vehemently opposed the prayer for bail and submitted that there is allegation of demand of dowry against this petitioner and he was present at the place of occurrence along with other accused persons, so his involvement cannot be ruled out in this case.

Considering the facts and circumstances of the case and the fact that petitioner is brother-in-law (*Bhaisur*) of the deceased and there is general and omnibus allegation and deceased died at her *Maike* due to bomb explosion, the



petitioner above-named, is directed to be enlarged 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 Additional Chief Judicial Magistrate II, Munger in connection with Bariarpur P.S. Case No. 48 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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