

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84 of 2021**

Arising Out of PS. Case No.-198 Year-2020 Thana- SUGAULI District- East Champaran

Santosh Sah Son of Nandu Sah Resident of Village - Sugauli Bhojmahara
Tola Ward No. 18, P.S.- Sugauli, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Ranjana Srivastava,Advocate

For the Opposite Party/s : Mr.Shailendra Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 23-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shailendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sugauli P.S. Case No. 198 of 2020 registered for the offences punishable under Section 304B/120B of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the marriage of the sister of the informant (deceased) and Sudhan Sah has been solemnised on 19.06.2019. Thereafter, it is alleged that Sudhan Sah had illicit relationship with the wife of Naga Sah due to which they tried to kill the sister of the informant several times. It is further alleged that the in-laws are



torturing the deceased for non-fulfillment of dowry. On 02.04.2020, the informant received information that his sister has been killed and then the informant along with his family members reached at the place of occurrence where he saw the dead body of his sister and found that no one was present there.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is the elder brother-in-law of the deceased and lives separately in mess and business. The petitioner is in custody since 28.08.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that this petitioner happens to be the *bhaisur* (elder brother-in-law) of the deceased, he lives separately in mess and business and has been falsely implicated in this case only because he happens to be kith and kin of the husband of the deceased, the petitioner is in custody since 28.08.2020, investigation against him is complete, further consideration that learned APP for the State having gone through the case diary has informed this Court that the allegations are general and omnibus, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the



satisfaction of learned C.J.M. 6th, East Champaran in connection with Sugauli P.S. Case No. 198 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

