

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11630 of 2022**

Arising Out of PS. Case No.-118 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Ram Sah Son Of Baidyanath Sah R/O Village- Khanjahanpur, P.S.- Cheri
Bariarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anshu Dhar Sharma, Advocate
For the State	:	Mr.Ashok Kumar Singh, APP
For the informant	:	Mrs. Archana Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Cheria Bariarpur P.S. Case No. 118 of 2021
registered for the alleged offences under Sections 302 and 34 of
the Indian Penal Code.

As per prosecution case, the petitioner was married to
the daughter of the informant and the allegation against him is
that he along with other co-accused persons used to torture the
daughter of the informant and treat her with cruelty on account
of their demand of Rs.1 Lakh. Lastly, the daughter of the



informant and grand daughter of the informant were murdered by the petitioner and other co-accused persons by drowning them in a well.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no independent eyewitness to the occurrence and informant himself is not an eyewitness. The petitioner being the husband of the deceased never tortured her and never demanded any dowry from his wife or her father. There is no previous complaint which falsifies the whole occurrence story. Learned counsel further submits that the wife of the petitioner committed suicide by jumping into well with her two children and one of the children was saved by the co-villagers but the wife of the petitioner and his daughter died due to drowning and police submitted charge-sheet under Section 306 IPC. The petitioner is in custody since 31.07.2021 and charge sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner that he along with other co-accused persons committed murder of the daughter of the informant. However, the learned APP concedes that some of the witnesses stated about wife of the petitioner



committing suicide.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of witnesses who were examined during investigation and considering the submission of charge-sheet under Section 306 IPC and also considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Manjhaul (Begusarai) in connection with Cheria Bariarpur P.S. Case No. 118 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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