

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13828 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- SIRDALA District- Nawada

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CHHOTU SAO Son of Ganga Saw Resident of Village - Chhomuha,
Panchayat- Chaube, P.s.- Sirdala, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh

For the Opposite Party/s : Ms.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Sirdala
P.S. Case No. 56 of 2021, registered for the offences
punishable under Sections 304(B), 34, 201 of Indian Penal
Code and Section 3/4 of Dowry Prohibition Act.

The prosecution case as emerges from the F.I.R. is
that the marriage of the informant's daughter, namely, Soni



Kumari was solemnized with the petitioner according to Hindu rites and customs about 5-6 years ago. After some times, the husband and his family members started torturing her for non-fulfillment of illegal demand of dowry, and ultimately they killed her.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the death was accidental on account of bursting of cooking gas cylinder. He also submits that after the incident, the same was immediately informed by the husband-petitioner to the parents of the deceased and immediately she was taken to hospital for treatment but in course of treatment she died. He further submits that investigation of this case is complete and charge-sheet has been submitted and even charge has been framed. He also submits that similarly situated co-accused persons, namely, Ganga Saw and Shanti Devi have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 21.11.2022 passed in Cr. Misc. No. 58335 of 2021. He further submits that the petitioner has been



languishing in jail since 24.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. ACJM, Nawada in connection with Sirdala P.S. Case No. 56 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to



issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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