

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25339 of 2021**

Arising Out of PS. Case No.-259 Year-2020 Thana- JOGAPATTI District- West Champaran

Lalbabu Sah Son of Hardev Sah Resident of Village - Sonbarsa, P.S.-  
Yogapatti, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate  
For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**ORAL ORDER**

6      18-01-2022                      The applicant/accused in Crime No. 259 of 2020 registered with Yogapatty Police Station for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. The learned counsel for the applicant argued that the applicant is behind the bar from 16.10.2020 and the charge sheet has already been filed. It is further argued that the statements of the co-villagers are recorded belatedly but they are not an eyewitness to the incident



lodged by the prosecution. The learned counsel further argued that Pramila Devi died at about 2:00 AM on 21.06.2020 and cremation took place on 22.06.2020. There is no direct evidence to connect the applicant to the crime in question.

The learned Additional Public Prosecutor submits that the witnesses, such as Uttam Mahto, Gama Manjhi, Krishna Sah and Sujit Sah are supporting the prosecution case. It is further argued that the deceased had lodged the FIR of the offence punishable under Section 498A of the Indian Penal Code against the applicant way back on 26.11.2006. The crime in question is serious.

I have considered the submissions so advanced and also perused the counter affidavit so also the case-diary.

The case is based on the substantial evidence. Perusal of the statement of the co-villagers shows that they are not the eyewitness who had seen the factum of alleged murder of deceased Pramila Sah. According to the prosecution case, Pramila (since deceased) married the applicant fifteen years prior to the incident but the couple could not conceive a child. Hence, the applicant married another woman. According to the prosecution case, the



accused persons including the present applicant used to assault and harass Pramila Devi and destroy the evidence of commission of offence. First informant Manoj Sah - brother has alleged that he received information of the incident on 22.06.2020. He visited the house of his sister Pramila but the accused persons told that treatment of Pramila is going at Yogapatti Hospital. However, subsequently he came to know that funeral of his sister is going and therefore, he visited the spot and took photograph of the funeral pyre. He suspected that his sister might have been killed at about 2:00 AM on 21.06.2020 and then she was cremated at 2:00 PM on 22.06.2020. Neighbours had spoken about ill-treatment given to the deceased because she was not in a position to conceive a child. However, according to the prosecution case itself, the marriage had taken place prior to 15 years and subsequently the applicant had married to another lady. They all were residing in the same house. As stated earlier, co-villagers does not appear to be the eyewitness of the alleged incident.

The investigation of the crime in question is already over. The applicant is behind the bar from 16.10.2020.



Considering the nature of the evidence against the applicant/accused, his further pretrial detention is not warranted and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 259 of 2020 registered with Yogapatty Police Station be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at



liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

**(A. M. Badar, J)**

Mkr./-

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