

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28335 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- SIMRA District- Aurangabad

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YOGENDRA RAM @ JOGENDRA RAM S/o Doman Ram Resident of
Village- Darmi, P.S.- Simra, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.

Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 24-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 16.11.2020,
seeks regular bail in connection with Simra P.S. Case No. 18 of
2020 for the offence punishable under Sections 302, 201, 120B
and 498A of the Indian Penal Code.

The allegation is of murder of the daughter of the
informant by her husband and his family members in her
matrimonial house.

Learned senior counsel appearing on behalf of the
petitioner submits that the petitioner is innocent and he has
falsely been implicated in this case. He further submits that the



petitioner was married to the deceased Sarita Devi in the year 2001 and thereafter there was no complaint. Learned senior counsel has taken note of several paragraphs of the case diary relating to the statement of the witnesses and particularly with respect to the statement made by the daughters of the deceased aged about 9 years and 14 years old. The elder daughter of the deceased Anjali Kumari has stated that the incidence took place on the occasion of Diwali when she was lightening candles near the photograph of her grandfather and grandmother and pooja room, inadvertently the photogrpah of her grand-parents got burnt, due to which some scuffle between her parents (petitioner and the deceased) took place which led the deceased to commit suicide. He further submits that there is no eye witness of the alleged incidence. The villagers also saw the dead body which was recovered from a well which is 70 meters away from the house of the petitioner. He submits that apart from the circumstantial evidence, there is nothing incriminating on the record to implicate the petitioner in the present case. He further submits that the deceased was of short temper and on earlier occasion she also threatened the petitioner that she would commit suicide. He further submits that considering the age of the two daughters of the petitioner and his custody since 16.11.2020, the petitioner may be released on bail by imposing



any stringent condition by the Court.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, perused the F.I.R. and the case diary. In course of investigation no incriminating evidence have been collected by the I.O. to substantiate the allegation against the petitioner that he had assaulted the deceased rather from the statement of the daughter of the deceased, has stated that the deceased used to threaten the petitioner that she would commit suicide, if any one interferes with her daily routine. The daughter of the deceased further in Para-6 of the case diary has made specific statement that on the occasion of Diwali scuffle took place between her father (petitioner) and mother (deceased) with respect to lightening of the lamp near the Pooja Room as well as near the photograph of the parents of the petitioner and due inadvertently photograph caught fire and got burnt, which might have led the wife of the petitioner (deceased) to commit suicide. There is no eye witness to establish the allegation that the petitioner had committed murder rather it appears that the children who had witnessed the incidence had not made any allegation of assault to have been committed by the petitioner which resulted into death of the deceased. Charge sheet has



already been submitted. Prima facie it appears that the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Aurangabad in connection with Simra P.S. Case No. 18 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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