

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29741 of 2021

Arising Out of PS. Case No.-89 Year-2020 Thana- GWALPARA District- Madhepura

1. SANTOSH KUMAR SINGH Son of Gopal Singh Resident of Village - Pirnagar Ward No. 5, P.S.- Gawalpara, District - Madhepura
2. Neha Devi Wife of Santosh Kumar Singh Resident of Village - Pirnagar Ward No. 5, P.S.- Gawalpara, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 09-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

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

The petitioners, who are in custody since
17.10.2020 and 19.10.2020, respectively, seek regular bail in
connection with Gawalpara P.S. Case No. 89 of 2020, for the
offence punishable under Sections 302 and 120(B) of the Indian
Penal Code.

The prosecution case, in brief, is that the informant
solemnized marriage of his daughter, namely, Priti Kumari with
one Raja Kumar Singh on 25.06.2018 according to Hindu rites



and rituals. On 13.03.2020, the informant received information that his daughter is burnt and admitted for treatment in Gyatri Nursing Home, Saharsa. On receiving the said information, the informant reached to the hospital on 14.03.2020, where his daughter told that her husband and other in-laws have burnt her.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are brother-in-law and sister-in-law of the deceased and they are living separately with the husband of deceased. He further submits that due to mishappening caused by the gas leakage, the fire took place in which victim sustained burn injury and she was taken to the hospital by the family members. The petitioners were not present at the time of incident. He further submits that no allegation regarding demand or torture was made by the victim or by the father and mother of the victim. He also submits that the informant and his other family members had participated in the funeral of the deceased.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that so far as present petitioners are concerned, nothing specific has surfaced in course of investigation. He further submits that independent witnesses have made their statement that incidence



took place due to leakage of gas, while the deceased was cooking meal.

Considering the above mentioned facts and circumstances of the case, rival submission of the parties and the material on record, the petitioners are brother-in-law and sister-in-law of deceased and they are having separate mess and business. Nothing has come in the course of investigation from which it can be inferred that on the date of alleged incident these petitioners were present at the place of incident. Even there is no suggestive fact that present petitioners even harassed/tortured the deceased, prima facie, the petitioners have made out a case of grant of bail, the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-II, Madhepura in connection with Gwalpara P.S. Case No. 89 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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