

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29299 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- SHRI NAGAR District- Madhepura

LALO RAM S/O DHINO RAM R/O SARHADGATI, WARD NO.04, P.S.-
SRINAGAR AND DISTRICT-MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 03-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 26.11.2020, seeks
regular bail in connection with Srinagar P.S. Case No. 85 of 2020
registered for offences punishable under Section 302/34 of the
Indian Penal Code.

Prosecution case, in brief, is that on 26.11.2020,
informant received a telephonic message from mother-in-law of
her deceased sister that the deceased has met with an accident.
When she reached the house of her sister, she found her sister
lying dead and co-accused Chandan Ram was also sleeping beside
her dead body. She further alleged that family members of her



sister's husband throttled the deceased to death and spread rumor of accident.

Learned counsel appearing on behalf of the petitioner submits that petitioner is the brother-in-law of the deceased and he lives separately. The said fact has come in paragraph Nos. 34 and 35 of the case diary. In course of investigation, the independent eye witnesses have made their specific statement that the husband of the deceased has two more brothers and they live separately from him and the present petitioner also lives separately from him. He further submits that there is no independent eye witness to the alleged allegation of committing murder of the sister of the informant. There is specific statement made by one independent eye witness Jitendra Yadav that the brother of the present petitioner and his wife has met with an accident in a filed and thereafter, the dead body of the deceased was carried to the house of the deceased. He further submits that petitioner has no involvement in committing murder of the deceased rather the deceased and her husband were living separately and petitioner has no concern with them. He further submits that independent witnesses have also made their statement under Section 161 Cr.P.C. that husband and his wife (deceased) used to quarrel with each other on and often.

Learned A.P.P., for the State has opposed the prayer for



grant of bail to the petitioner. He referred to paragraph no. 43 of the case diary that in the postmortem report, the doctor has opined that the death has been caused due to strangulation and as such the whole story developed by the independent witnesses who have claimed to have seen the accident is not sustainable nor can be corroborated with the cause of death.

Considering the above mentioned facts and circumstances of the case, the petitioner being the brother-in-law of the deceased, he was informed by his co-villager that his brother and sister-in-law has met with an accident, admittedly there is no eye witness in support of the allegation that the present petitioner has committed murder of the sister of the informant with a common intention along with his brother who is the husband of the deceased rather in the case diary, from perusal of the statement of the independent eye witness, it has surfaced in paragraph nos. 34 and 35 that the petitioner and his three brothers had separated long back and they were living separately and had no concern with the deceased and her husband, it has also come in the case diary that the neighbour of the deceased has complained that the deceased and her husband used to quarrel with each other on and often and on mere suspicion, the present petitioner has been made accused who is the brother-in-law of the deceased, this Court is of the opinion that the petitioner has made out prima facie case that



the allegation made in the FIR is not supported by any evidence or independent eye witnesses nor there is any specific case in the FIR that the present petitioner has committed murder of the deceased by strangulating her to death along with other co-accused. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Srinagar P.S. Case No. 85 of 2020 subject to the following conditions:

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

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

(iii) 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.

(Purnendu Singh, J)

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