

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22979 of 2022

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

Raja Kumar Singh S/o Gopal Singh R/o village- Pirnagar, P.S.- Gwalpara,
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-09-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Gwalpara P.S. Case No.89 of 2020 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code.

Allegedly, the informant's daughter was set on fire by this petitioner and his family members and petitioner happens to be husband of the victim and during the course of medical treatment the victim succumbed to burn injuries and the victim's father alleged that the petitioner and his family members killed his daughter by setting her on fire.

The main submissions advanced by the learned counsel Mr. Shailendra Kumar Singh for the petitioner are that the allegation made in the FIR is totally false, in fact the victim



sustained burn injury accidentally while cooking food in her kitchen and after that incident she was immediately taken to the private hospital by the petitioner and his family members and parents of the victim were also informed and they arrived at the hospital and remained there and thereafter the victim died during the course of treatment and till the cremation of the dead body of the deceased the victim's father remained silent and after seven days of the incident the FIR of the instant case was lodged. Further submission is that the victim's father did not make any allegation of any type of physical torture and cruelty having been caused to the victim by petitioner and his family members prior to occurring of alleged incident and there is no allegation of dowry demand. Further submission is that as per the informant the victim herself told him about the alleged role of this petitioner in setting her on fire but the statement of victim was not recorded in the hospital by the competent authority. Further submission is that during the course of investigation the material witnesses who are neighbourers of the petitioner supported the petitioner's defence and they stated that the victim sustained burn injury while cooking food and also stated that they helped in dousing the fire. Further submission is that the petitioner has been languishing in jail since 10.10.2020



having clean antecedent and two co-accused persons namely Santosh Kumar Singh and Neha Devi have already been granted bail by the Co-ordinate Bench of this Court vide order passed in Cr. Misc. No.29741 of 2021 and against the petitioner the investigation has been completed.

Learned APP Mr. Kumar Ranjit Ranjan appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the facts that in the FIR which was lodged by victim's father it was not alleged that the victim had been torturing by this petitioner and his family members prior to occurring of alleged incident and it has also not been alleged in the FIR that the victim was tortured for the demand of dowry and the petitioner's defence that the victim sustained burn injury while cooking food has been supported by some material witnesses whose statements are mentioned in paragraph Nos.6 and 7 of case diary and also taking into account the fact that the victim's father had got the knowledge of the alleged incident on 13th March, 2020 but he filed the FIR of the instant case on 20th March, 2020 and he remained silent for seven days in taking the legal steps regarding the alleged occurrence and the said conduct of the informant also goes in favour of the petitioner's defence and moreover two



co-accused persons carrying similar nature of allegation have been granted bail by a Co-ordinate Bench of this Court, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Gwalpara P.S. Case No.89 of 2020, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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