

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25389 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- CHHABILAPUR District- Nalanda

Santosh Kumar, S/o Late Lala Mahto R/o village- Katari, P.S.- Chhabilapur,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sangha Mitra Ghosh, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-08-2022 Heard Ms. Sangha Mitra Ghosh, learned counsel for
the petitioner and the learned APP for the State.

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

The petitioner is in judicial custody in connection
with Chhabilapur P.S. Case No.139 of 2021 instituted under
Section 302/201/34 of the Indian Penal Code.

The prosecution case, in short, is that informant
alleging therein that he got information on his mobile about the
death of his sister Manju Devi on 22.11.2021. On hearing the
news, all family members came at village-Katari at house of the
petitioner. The informant could not see the dead body at home
and on enquiry neighbours told that due to death of his sister,
the family members had gone to Rajgir. The informant phoned
to the petitioner who called him at Rajgir and told process of



cremation is going on. Believing that his sister has been killed, the FIR was lodged.

Learned counsel for the petitioner submits that contrary to the allegation made in the FIR, the husband was very caring towards his wife, a fact which even his only daughter Preety Kumari has appreciated. She further submitted that actually the lady was suffering from epilepsy and was under treatment for long time and died a natural death which is known to everyone including the informant but for the reasons best known, this FIR was instituted.

The police investigated the matter and filed charge-sheet under Section 304 of the Indian Penal Code. Ms. Ghosh has further taken this Court's attention to Annexure-2 and 3 of the bail application to show that both the petitioner's daughter as well as the informant have stated that it was a natural death due to epilepsy and there was no reason for the alleged killing as has been narrated in the FIR by the informant. She submits that as such rightly the charge-sheet was submitted under Section 304 of the Indian Penal Code.

Taking into account all the aforesaid facts including the statement made by the daughter of the petitioner recorded before the Judicial Magistrate, Biharsharif, Nalanda, as also that



of the informant, again before the Judicial Magistrate, Biharsharif, Nalanda, as also the fact that he is in custody since 27.11.2021 (as stated in para-12 of the bail application), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chhabilapur P.S. Case No.139 of 2021 to the satisfaction of learned ACJM, Nalanda, Biharsharif, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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