

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26578 of 2022

Arising Out of PS. Case No.-147 Year-2020 Thana- KIUL District- Lakhisarai

Prahlad Saw, Son of Hariom Saw, Resident of Village - Barare, P.s.- Kiul,
Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kiul P.S. Case No. 147 of 2020 (G.R. Case No. 1770 of 2020) registered for the alleged offences under Section 302 and 34 of the Indian Penal Code.

As per prosecution case, the son of the informant was killed by the petitioner and other co-accused persons and the petitioner is stated to be the brother-in-law of the deceased. Dead body was recovered in the house of the deceased who has been living near his matrimonial home.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. There is no eye-witness to the occurrence and at the time and date of occurrence, there was a marriage function and the petitioner was attending the said function. The deceased was living with his wife in his matrimonial home and not at the parental house and for this reason, the informant and other family members were pressurizing him and the deceased committed suicide. After the death of the son of the informant, a panchayati was also held and informant was told to make arrangement for livelihood of his daughter-in-law and therefore, this false case has been lodged. No injury was found on the body of the deceased when the police recovered the body. Learned counsel further submits that the allegations are mainly against the wife of the deceased and one Parmanand Saw who were in illicit relationship and there is only general and vague allegations against this petitioner. The wife of the deceased Pinky @ Sinky Devi has been granted bail by a Co-ordinate Bench of this Court vide order dated 30.08.2021 passed in Cr. Misc. No. 34146 of 2021 and another co-accused Pramod Kumar @ Parmanand Saw has been granted anticipatory bail by a Co-ordinate Bench of this



Court vide order dated 07.03.2022 passed in Cr. Misc. No. 30223 of 2021 and the case of the petitioner is on better footing. The petitioner is in custody since 14.02.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the general nature of allegations levelled against this petitioner without any substantive material to connect this petitioner with the death of the son of the informant and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Kiul P.S. Case No. 147 of 2020 (G.R. No. 1770 of 2020), subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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