

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27710 of 2022

Arising Out of PS. Case No.-209 Year-2020 Thana- DARPA District- East Champaran

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BIGAN SINGH @ SHIV SHANKAR SINGH S/o Kailash Singh Resident of
Village- Tinkoni, P.S.- Darpa, District- East Champaran at Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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with
CRIMINAL MISCELLANEOUS No. 32447 of 2022

Arising Out of PS. Case No.-209 Year-2020 Thana- DARPA District- East Champaran

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Kailash Singh Son Of Late Amar Singh R/O Village- Tinkoni, P.S.- Darpa,
District- East Chammparan At Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In Criminal Miscellaneous No. 27710 of 2022)

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

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

(In Criminal Miscellaneous No. 32447 of 2022)

For the Petitioner/s : Mr.Sanjana, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Let the defect(s), if any, as pointed out by the

office, be removed within four weeks.

The case is registered under sections 304B, 201

and 34 of the Indian Penal Code, in connection with Darpa P.S.



Case No. 209 of 2020.

In the FIR, it has been held as follows:-

(i) the informant states that his sister, Punam Kumari, was married to Bigan @ Shivshankar Singh on 14.06.2020, as per Hindu rites and rituals, wherein he gifted an amount of Rupees Three Lakhs, a motorcycle and other articles.

(ii) it has further been alleged by the informant that soon after the marriage, his sister started living at her matrimonial house and leading happy conjugal life but after some time her husband, father-in-law, mother-in-law, sister-in-law (nanad) and brother-in-law (nandosi) started demanding Rupees Two Lakhs as further dowry and on non-fulfillment, they started abusing and assaulting her.

(iii) further allegation is that on the date of occurrence, he went at his sister's place to bring her back. However, the accused persons assaulted him and did not allow him to take away his sister.

(iv) the informant further alleged that on 27.12.2020 his sister called him and informed that her in-laws had tied her hands and legs and they might kill her. The informant and her family rushed to the matrimonial house of his sister, where they found nobody. The informant alleged that his



sister had been killed and her body was disposed of by her in-laws.

Taking into account the allegation that has been made against the petitioner, Bigan Singh, this Court is not inclined to grant him any relief and his bail application stands rejected.

So far as the other accused Kailash Singh in Cr. Misc. No. 32447 of 2022 is concerned, learned counsel for the petitioner submits that he being the father-in-law had no concern with the daily affairs having his separate mess as also business. The further submission is that he (Kailash Singh) is in custody since 14.3.2022 and do not have any criminal antecedent.

Considering the aforesaid fact that the petitioner, Kailash Singh is father-in-law and is in custody since 14.3.2022, husband is in custody and he do not have any criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner, Kailash Singh (in Cr. Misc. No. 32447 of 2022) be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran at Motihari, in connection with Darpa P.S. Case



No. 209 of 2020 subject to the following conditions:

(i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

So far as the petitioner Bigan Singh @ Shiv Shankar Singh (in Cr. Misc. No. 27710 of 2022) is concerned, his bail application stands rejected.

With the aforesaid observations, the bail application of the petitioner, Kailash Singh is allowed.

(Rajiv Roy, J)

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