

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40322 of 2021**

Arising Out of PS. Case No.-178 Year-2020 Thana- SURYAGARHA District- Lakhisarai

SABLU KUMAR @ SABLU SINGH S/o- Rambalak Singh Resident of
Village - Chanarpur, Gopalpur, Police Station - Suryagarha (Manikpur),
District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Prasad Roy, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 22-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Suryagarha (Manikpur) P.S. Case No. 178 of 2020, for the
offence punishable under Sections 328, 304(B) and 120(B) of
the Indian Penal Code.

The prosecution case, in brief, is that the allegation of
murder of the daughter of the informant is against the accused
persons named in the F.I.R, including the petitioner, due to non-
fulfillment of demand of dowry.

Learned counsel appearing on behalf of the petitioner
submits that the at the time of occurrence, the petitioner was



present at Delhi for his livelihood. The petitioner has been alleged to have conspired with the other co-accused persons. Allegation of assault has not been attributed to the petitioner, there is no eye-witness to the alleged murder of the victim, who is the wife of the petitioner. The petitioner has clean antecedent.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. The accused persons named in the F.I.R. along with the petitioner resorted to kill the daughter of informant. He has referred paragraph Nos. 40,41 and 42 of the case diary, where the independent witnesses, who were the co-villagers have stated that the petitioner was having illicit relationship with one Priti Devi, who is the sister-in-law of the petitioner, who is the wife of elder brother of the petitioner and for the said reason, the deceased has been murdered. He further submits that Postmortem was performed and F.I.R. was lodged after cremation of the dead body on 02.09.2020.

Considering the aforementioned facts and circumstances of the case and the nature of allegation made in the F.I.R. as well as the material which has surfaced in course of investigation, it appears that there is no direct allegation against the petitioner that he has killed the daughter of informant nor in course of investigation, it has surfaced that present petitioner



was present at the time of occurrence. The demand of dowry is not supported by any independent witnesses, rather, it is specific case of the petitioner that petitioner used to send money to his father-in-law for taking care of his son and daughter, who used to remain with their maternal grandfather. The petitioner used to take all necessary care of his wife (deceased). He is taking proper care to educate his children. It has come in the case diary that the petitioner was having illicit relationship with wife of his elder brother is not sustainable in lack of any cogent evidence and as such petitioner be released on bail.

The law is well settled in this regard that a strong suspicion, howsoever, cannot take the place of proof and for suspicion an under-trial cannot be kept behind the bar, even after completion of investigation.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Suryagarha (Manikpur) P.S. Case No. 178 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

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

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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