

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44553 of 2021

Arising Out of PS. Case No.-89 Year-2018 Thana- DESARI District- Vaishali

Rajesh Kumar @ Shivilal Singh, S/O Late Sarabjeet Singh, R/O Village-Chak Mohmad, P.S-Desari, District-Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Rina Sinha, Advocate

For the Opposite Party/s : Ms.Dr. Indihar Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.Dr. Indihar Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Desari P.S. Case No. 89 of 2018 registered for the offences punishable under Section 304(B), 34 of the Indian Penal Code. He is in custody since 05.04.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant alleged that the marriage of her daughter was solemnized with Rajesh Kumar @ Shivilal Singh (petitioner) in the year 2014. It is alleged that after one



and a half year of marriage the mother-in-law and gotani of her daughter started quarrel with her and her elder brother-in-law used to abuse and threatened her to kill. It is alleged that on 08.05.2018 at 10.30 am her daughter informed her on telephone that her elder brother-in-law, gotani and mother-in-law assaulted her and told that they will kill her. It is alleged that thereafter her son-in-law informed her that Puja Kumari is seriously ill and requested to send someone at her place. On this information, she reached at the house of her son-in-law where she saw that many people were assembled. It is further alleged that people assembled there told that her daughter was killed and her dead body has been kept in a jute bag.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no specific allegation of assault against the petitioner. He is in custody since 05.04.2021 having no criminal antecedent.

Ms.Dr. Indihar Kumari, learned APP for the State has after going through the case diary informed this Court that there is no specific material in the case diary to connect this petitioner in the present case.

Having regard to the uncontroverted submissions of



the petitioner that at the relevant time he was working outside his village and the thrust of the allegations are against the in-laws and the gotani, the marriage was solemnized about four years back and there was no allegation of torture against the petitioner and it was the petitioner who had informed his in-laws about the illness of his wife when he got that information from his village, only at a belated stage one of the relatives of the deceased made a vague allegation against the petitioner whereafter he has been arrested, the petitioner has already remained in custody since 05.04.2021, investigation against him is complete, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Vaishali at Hajipur in connection with Desari P.S. Case No. 89 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

