

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35342 of 2022

Arising Out of PS. Case No.-722 Year-2020 Thana- BARACHATTI District- Gaya

SANTOSH DAS @ NEPALI DAS Son of Yugal Das @ Jugal Das Resident
of village - Bahalgara, P.S. - Barachatti, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 No one appears on call.

The learned APP is present.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 304(B)/34 of
the Indian Penal Code, in connection with Barachatti P.S. Case
No. 722 of 2020.

As per the allegation in the FIR, the petitioner
married the lady and were blessed with a female child. The
further allegation is that on 26.11.2020, the in-laws poured
kerosene oil and lit the match causing her death.

As per the averment made in the FIR, the date of
occurrence is of 27.11.2020 whereas the FIR was lodged on
2.12.2020 without explaining any reason for the said delay. It



has further been averred in the bail application that the petitioner himself surrendered before the police and is in custody since 19.1.2022.

The last averment in the bail application is that there was a tiff between him and his wife as she had taken out Rs. 100/- from his pocket and there was hot discussion between the couple, as a result of which, she herself put her body on fire.

Taking into account the aforesaid fact that the petitioner is in custody since 19.1.2022, there is an inordinate delay in lodging of the FIR without explaining any reason, the charge-sheet stands submitted and ultimately the petitioner has to face the trial, this Court is inclined to grant him the privilege of bail after framing of the charges.

Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya, in connection with Barachatti P.S. Case No. 722 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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