

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49728 of 2021

Arising Out of PS. Case No.-252 Year-2020 Thana- MUFFASIL District- West Champaran

Bhulan Ram @ Bhutan Ram @ Butan Ram, S/o Late Feku Ram, R/o Village-
Karanmeya, P.S.- Bettiah (Muffasil), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Bimlesh Kumar Pandey learned counsel
appearing on behalf of the petitioner and learned APP for the
state.

The petitioner seeks regular bail, who is in custody in
connection with Bettiah (Muffasil) P.S. Case No. 252 of 2020
registered for the offences punishable under Sections 341, 323,
504, 506, 302, 201/34 of the Indian Penal Code.

As per the prosecution case it is alleged that the
marriage of the daughter of the informant was solemnized in the
year 2004 and thereafter her daughter remained peacefully in
her Sasural till 2015. In the meantime, she also blessed with two



sons and daughters. It is further alleged that after 15th August, 2016, the accused persons including the petitioner started torturing the deceased and ousted her from matrimonial house and thereafter on account of some reason both the sons and daughter of the deceased died, due to which the petitioner was also sent to custody. It is further alleged that on 02.05.2020 they received an information that all the accused persons killed his daughter by assaulting her and when they reached to the place where the cremation was going on, the accused persons and the villagers assaulted the informant.

Learned counsel appearing on behalf of the petitioner submits that admittedly the marriage was solemnized way back in the year 2004 and there is no allegation with regard to demand of dowry, rather it is admitted that the deceased was living happily in her Sasural till 2015. It is further submitted that during the course of investigation it has come that in year 2016, on being scolded by the petitioner, the deceased went along with her two sons and daughter and jumped into a canal, due to which 3 children died on account of drowning, however the deceased any how survived and for this reason, both the petitioner and the deceased were sent to judicial custody. It is next submitted that in fact the deceased died on account of



Covid 19 Pandemic, since there was no medical facilities available in the village, cremation was made after taken consent of the family members, but later on, on account of some ulterior motive the present FIR has been instituted. It is next submitted that there is no eye witness to the alleged occurrence and moreover there is no specific allegation against the petitioner, who happens to be unfortunate husband of the deceased and he is in custody since 05.03.2021 and other accused persons have already been granted by different learned coordinate Benches of this Court.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner happens to be the husband of the deceased and there is specific allegation against him.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the materials, which have come during investigation and further there is no eye witness to the alleged occurrence and moreover, there is no applicability of Section 113(b) of the Evidence Act, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Muffasil) P.S. Case No. 252 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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