

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51674 of 2021**

Arising Out of PS. Case No.-602 Year-2019 Thana- AMARPUR District- Banka

MADAN KUMAR, S/O SHIVSHANKAR BAIDH R/o village- Chorawaiy
Sahpur, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 08-02-2022 Heard the learned senior counsel for the petitioner
and the learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Amarpur
P.S. Case No. 602 of 2019, instituted for the offences under
Sections 341, 323, 304(B), 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 14.11.2020, he is a person with
clean antecedent, charge-sheet has been submitted and petitioner
is the husband of the deceased.

The learned senior counsel for the petitioner submits
that the informant instituted the FIR alleging that the marriage
of the daughter of the informant, namely, Priyanka Kumari, was
solemnized with the petitioner according to Hindu rites in the
year 2019, further on 17.06.2019 at about 2 P.M. while the



informant's daughter was preparing Tea on hand made Chulha, she came in contact with fire and the petitioner and other family members did not rescue her, due to that she died on 31.07.2019 at JLNMCH, Bhagalpur during her treatment.

The learned senior counsel submits that from perusal of the allegation, it would manifest that the informant is not an eye witness to the occurrence, further the allegation is that while preparing tea, the victim cloth caught fire, as such, the allegation is not that the petitioner in any manner was responsible for the occurrence. The learned senior counsel further submits that the date of occurrence is 17.06.2019 and the victim died on 31.07.2019 at JLNMCH, Bhagalpur during the course of her treatment. That in itself demonstrates that the petitioner and his family members promptly admitted the victim in the hospital for treatment and she died nearly after 44 days of the occurrence. Learned senior counsel further submits that co-accused, Sheoshankar Baidh, has been granted bail by this Court vide order dated 07.02.2022 passed in Cr. Misc. No.51243 of 2021.

The learned A.P.P. vehemently opposes the bail application.

In the nature of allegation as alleged and the fact that



it is not alleged in the FIR that the petitioner in any manner was responsible for the occurrence and that the victim died during course of treatment after 44 days of the occurrence, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 602 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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