

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53982 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- BATH District- Bhagalpur

DEVESH KUMAR RANJAN Son of Shailesh Prasad Singh @ Suresh Prasad Singh Resident of Village-Karharia, P.S.-Bath, District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 03-08-2022 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for the offence under Sections-341, 323, 498(A), 304/34 of the Indian Penal Code and Section-3/4 of Dowry Prohibition Act.

It is submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is in custody since 07-01-2019. The petitioner has been falsely implicated in the present case. It has further been submitted that for the same occurrence, two cases have been instituted; the first one is the present case, i.e. Bath P.S. Case No. 02 of 2019 whereas the second one is Bath P.S. Case No. 01 of 2019 which was instituted earlier to the present case, by



father of the petitioner. Both cases relate to the death of three children of the petitioner. The present case has been instituted by father-in-law of the petitioner. As per the earlier case which was instituted for an offence under Section-302/309 of the Indian Penal Code, the father of the petitioner has stated that wife of the petitioner alongwith her three children with intention to commit suicide jumped into septic tank due to which, three children died due to drowning. The said case i.e. Bath P.S. Case No. 01 of 2019 was investigated and charge sheet has already been submitted against wife of the petitioner. It is also submitted that taking advantage of the circumstances, the father of wife of the petitioner (father-in-law of the petitioner) got the present case instituted only with a mala fide intention so as to falsely implicate the petitioner in the present case. The present case is a mala fide prosecution.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case coupled with the fact that the petitioner has remained in custody for more than three and half years, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge-
XI, Bhagalpur in connection with Sessions Trial No. 192 of
2019 arising out of Bath P.S. Case No. 02 of 2019 .

(Sudhir Singh, J)

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