

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54265 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- CHAKAI District- Jamui

Pappu Sah @ Pappu Kumar Gupta @ Pappu Sao Son Of Domilal Sah R/O
Village- Chakai Bazar, P.S.- Chakai, District- Jamui, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ankit Kumar, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-04-2022 Heard counsel for the petitioner, the informant and
the learned APP for the State.

The case arises out of Chakai P.S. Case No. 23 of
2021 under Sections 304(B), 120(B) of the Indian Penal Code.

The learned counsel appearing for the petitioner drew
this Court's attention to the FIR as well as the document
(Annexure 2) which is in respect of the deed of partition in the
family and argued that the petitioner along with her husband
were residing separately. It is further argued that the FIR itself
demonstrates how each and every member of the family was
roped in the case.

In this case, case diary was called for and learned
counsel for the informant and the State perused the paragraphs
62, 63 and 64 of the same which finds mention in the learned



Sessions Judge's order as per statement made by the witnesses. Although they have supported the prosecution story but it has come at para-64 of the case diary that so far as this petitioner is concerned, he was separated with his brother and sister-in-law (deceased).

The allegation as per the FIR is that all the accused persons have jointly conspired and killed the lady by setting her ablaze.

As per the learned counsel for the petitioner, the husband of the deceased, namely, Sonu Sao is in judicial custody and will face the music. So far as this petitioner is concerned, learned counsel for the petitioner submits that he is physically challenged man, is running a grossery shop some 200 meters away from his home and had nothing to do with the occurrence added with the fact that charge-sheet has already been submitted and he is in jail since 5.6.2021(as stated at para-12 of the bail application). He further submits that accused Punam Kumari has since been granted the privilege of bail by a coordinate bench of this Court vide Cr. Misc. No. 54280 of 2021 on 10.2.2022.

Let the copy of the order dated 10.2.2022 be kept on record.



Taking into account all the aforesaid facts, this Court is inclined to extend the privilege of bail to the petitioner with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Additional Chief Judicial Magistrate-Vth, Jamui, in connection with Chakai P.S. Case No. 23 of 2021 subject to the following conditions:-

(i) one of the bailor should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) 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.

The bail application is allowed with the aforesaid observation.

(Rajiv Roy, J)

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