

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58667 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- SAHPUR District- Patna

MANOJ KUMAR S/O RAM RATAN RAI @ RATAN RAI R/o Village-
Madhopur, P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Shahpur P.S. Case No. 45 of 2020 for the offences under
Sections 304(B)34 of the Indian Penal Code.

The FIR has been alleged against the deceased's
husband and his family members by the informant alleging her
killing as well as disappearance of her body inasmuch as the
mortal were remains consigned to flames without even the
informant being allowed to participate in the last rites. It is a
heinous crime and the onus completely lies on the husband of
the deceased who having married the lady failed to protect her
and instead as alleged in the FIR facilitated her killing.



Learned counsel for the petitioner submits that he is the brother-in-law (dewar of the deceased) and after the institution of case under Section 498/34 of the Indian Penal Code in 2016 by the deceased against the family members, he started living separately and had nothing to do with the alleged occurrence. He lastly submits that the husband of the deceased namely, Santosh Kumar is in jail since 28.08.2021.

Taking into account the aforesaid facts that the deceased's husband is in jail since 28.08.2021, charge sheet stands submitted and he is brother-in-law (dewar) of the deceased and he is in jail since 12.06.2021 (as stated in paragraph 16 of the bail application) as also the fact that some of the accused persons including the father and elder brother of the petitioner have since been granted the privilege of bail/anticipatory bail vide order dated 27.01.2021 passed in Cr. Misc. No. 29606 of 2020 (Ram Ratan Rai @ Ratan Rai & the State of Bihar) and vide order dated 01.09.2021 passed in Cr. Misc. No. 35374 of 2020 (Pappu Rai & Ors. Vs. the State of Bihar), this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate, 1st



Class, Danapur, Patna in connection with Shahpur P.S. Case No. 45 of 2020, subject to the following conditions:-

(i) one of the bailor should be the family member 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;

(iv) the petitioner shall desist from committing any criminal offence again 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)

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