

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52065 of 2022

Arising Out of PS. Case No.-355 Year-2021 Thana- AKBARPUR District- Nawada

1. Sangita Devi, Wife of Tuntun Chaudhary, Resident of Mohalla - Nad, P.S.- Akbarpur, District - Nawada.
2. Tuntun Chaudhary, Son of Ramrup Chaudhary, Resident of Mohalla - Nad, P.S.- Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Chaudhary, Son of Late Ramswarup Chaudhary, Resident of Village - Akbarpur, P.S.- Akbarpur, District - Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad,Advocate

For the Opposite Party/s : Mrs.Sharda Kumari,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-09-2022 This petition has been taken up for out of turn hearing on a supplementary affidavit being moved on behalf of the petitioners that the petitioner no.1 Sangita Devi is pregnant and expected date of delivery is 18.10.2022.

Heard learned counsel for the petitioners and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Akbarpur P.S. Case No. 355 of 2021 registered for the alleged offences under Sections 498 A,326/34 of the Indian Penal Code.



As per prosecution case, the informant alleged that petitioners along with the co-accused sprinkled kerosene oil on his sister and tried to set her on fire. The petitioners are sister-in-law and brother-in-law of the sister of the informant. Further allegation is that the sister of the informant used to tell the informant about demand of Rs. 50,000 by her father-in-law and brother-in-law.

The learned counsel for the petitioners submits that the marriage of the sister of the informant was solemnized 15 years back and there are two sons and a daughter from this marriage. It is also clear from the FIR that the husband of the sister of the informant lives outside. The petitioners have no reason to commit any such act. The petitioners and their family members informed the informant about the burns suffered by his sister while she has been working in the kitchen and she was disturbed due to dispute with her husband. The petitioner No.1 is pregnant and expected date of delivery is on 18.10.2022. The co-accused father-in-law has already been granted bail by a Coordinate Bench of this Court vide order dated 09.09.2022 passed in Cr. Misc. No. 33046 of 2022. The petitioners are in custody since 21.07.2022.

Learned APP opposes the prayer for bail.



Having regard to the submissions made hereinabove and considering the period of marriage and nothing on record about any complaint during the intervening period and further considering the relationship of the petitioners with the injured, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Akbarpur P.S. Case No. 355 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the person, who has sworn the affidavit in the case.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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