

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65594 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- NAUTAN District- Siwan

Madhu Sudan Dubey, Son of Late Ram Ekbal Dubey, Resident of Village -
Mishrichak, P.S.- Nautan, Distt.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Shailendra Kumar Dwivedi, Advocate
For the State	:	Md. Nazir Ansari, APP
For the Informant	:	Mr. Vivek Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

8 02-11-2022 Heard learned senior counsel for the petitioner,
learned APP for the State and learned counsel for the Informant.

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

In the present case, the petitioner seeks bail in
connection with Nautan P.S. Case No. 99 of 2021, registered for
the alleged offences under Sections 498 (A), 307 of the Indian
Penal Code, but later on Section 302/34 of the Indian Penal
Code was added.

As per prosecution case, the petitioner is the father-in-
law of the deceased, who was sister of the informant. The
allegation against the petitioner and the other co-accused
persons is that they sprinkled kerosene oil on the sister of the



informant and set her on fire. The sister of the informant died during her treatment.

The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is aged about 73 years and is innocent and has been falsely implicated in this case. The deceased was married with the son of the petitioner namely Vinay Dubey in the year 2003 and since 2010, Vinay Dubey disappeared and has been missing since then. So any allegation of demand by the petitioner and his family members is not believable. On the date of occurrence, the deceased torched herself and the petitioner took her to the hospital and the document of treatment shows she was brought to the hospital by this petitioner who tried his level best to save the life of the deceased. Moreover, during investigation even the deceased has not named the petitioner in her statement as the person who set her on fire, though she named her mother-in-law for the act. The petitioner is in custody since 24.05.2021 and the charge sheet has been submitted. The other co-accused persons have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 05.09.2022 passed in Cr. Misc. No.69669 of 2021.

Learned APP as well as learned counsel for the informant opposed the prayer for bail. The learned counsel for



the informant submits that the son of the deceased has named the petitioner along with the other co-accused namely the mother-in-law of the deceased who put the deceased on fire and threatened him with life.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the statement of the victim lady prior to her death wherein she has not made any specific allegation against the petitioner and further considering the age of the petitioner and subsequent conduct as reflected from the record and also considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Nautan P.S. Case No. 99 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 a close relative of the petitioner.
- (ii) The petitioner 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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