

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68904 of 2021

Arising Out of PS. Case No.-314 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Mukesh Yadav, Son of Indradev Rai, Resident of Village - Sirsiya, P.S.- Pipra Kothi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shanti Bhushan Singh, Advocate
For the State	:	Mr. Rajesh Kumar, APP
For the Informant	:	Mr. Pravin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-07-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in connection with Pipra Kothi P.S. Case No. 314 of 2020 registered for the alleged offences under Sections 498 (A), 341, 323, 307, 511, 379, 494, 504, 506 and 34 of the Indian Penal Code.

The prosecution case is that the petitioner is the husband of the informant and he solemnized second marriage with co-accused Chinta Devi and both of them tried to sprinkle



kerosene oil on the informant and her daughter and further tried to put her on fire. They also assaulted her along with other co-accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There has been undue delay in lodging the FIR. For an occurrence of 01.07.2020, the FIR has been registered only on 06.09.2020. After investigation, police did not find anything for making out a case under Section 307 of the Indian Penal Code. Similarly, allegations under Section 379 of the Indian Penal Code is only ornamental. Learned counsel further submits that the allegations are general and omnibus and no specific overt act has been attributed to this petitioner except that he has solemnized second marriage. The petitioner is in custody since 30.09.2021.

Learned counsel appearing on behalf of the informant as well as learned APP opposes the prayer for bail submitting that the witnesses in case diary have supported the case of the informant. The petitioner has solemnized another marriage and has thrown the informant out of his house.

Perused the records.

Having regard to the submissions made hereinabove



and considering the fact that there is neither any injury report on the record nor the police found any ingredients of offence under Section 307 IPC and further considering the period of custody of the petitioner, he 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, Motihari, East Champaran in connection With Piprakothi P.S. Case No. 314 of 2020, subject to 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.

Balmukund/-
Shweta/-

(Arun Kumar Jha, J)

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