

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69005 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

Santosh Saw @ Tilak Sao, Son of Late Kishore Saw Resident of Village -
Ghana Colony, Gali No.09, P.s.- Ramkrishna Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shambhu Narayan Singh, Advocate Mr. Abhishek Kumar, Advocate Mr. Shashi Shekhar Kumar Prasad, Advocate
For the State	:	Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-09-2022 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 Ramkrishna Nagar P.S. Case No. 204 of 2020 registered for the alleged offences under Section 304(B) of the Indian Penal Code.

As per prosecution case, the daughter of the informant was killed by the petitioner and other co-accused persons on account of their demand of money. The petitioner is the father in-law of the deceased.



Learned counsel for the petitioner submits that no occurrence as alleged has ever taken place. The daughter of the informant has committed suicide and post mortem report shows cause of death to be due to hanging. There is no specific allegation against this petitioner. Only general and vague allegations have been made against this petitioner and other co-accused persons. The petitioner did not run away and was present at the place of occurrence which is quite clear from inquest report and he also informed the informant and others. This shows his innocence. Similarly situated co-accused wife of this petitioner has been granted bail by a Coordinate Bench vide order dated 31.03.2022 passed in Cr. Misc. No. 55910 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 19.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the daughter-in-law of the petitioner died due to hanging and allegation is against the petitioner for causing her death.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that cause of death is stated to be hanging and suicide cannot be ruled out and further considering general and omnibus allegation



against this petitioner and absence of cogent material on record to connect him with the alleged offence and also considering his period of custody and 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 A.C.J.M-XIII, Patna in connection with Ramkrishna Nagar P.S. Case No. 204 of 2020, 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)

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