

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68923 of 2021

Arising Out of PS. Case No.-214 Year-2020 Thana- DARIYAPUR District- Saran

Tinku Sah, Son of Bharat Sah, Resident of Village- Sumerpatti, P.S.-
Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s :		Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office
be removed within 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 Sessions Trial No. 453 of 2020, arising out of
Dariyapur P.S. Case No. 214 of 2020, registered for the alleged
offences under Sections 304 (B) and 34 of the Indian Penal
Code.

As per the prosecution case, the informant was set on
fire by the petitioner and other co-accused persons on account of
their demand of dowry. Later on, she succumbed to her injuries.



The petitioner is the husband of the deceased.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The deceased received accidental burns and this petitioner also received burn injuries while trying to save her and both of them were treated in Nav Jiwan Hospital, Hajipur and after some time, the mother of the informant took her daughter to Sarvoday Hospital, Patna and thereafter to Burns Ward, PMCH, Patna where she died during treatment. The learned counsel further submits that the informant sustained burn injuries on 21.02.2020 and her fardbeyan was recorded by the police on 08.03.2020 taking the impression of her right toe. It is surprising that during this whole period, there has not been any whisper of allegation against the petitioner and other co-accused persons. The learned counsel further submits that even during investigation, the witnesses examined have stated that the deceased was taken to the hospital by the family members of the petitioner and other co-villagers. It has further been submitted that after coming to know the real fact, the parents and the brother of the deceased entered into a compromise with the accused persons and the compromise petition was also filed before the learned trial court on 30.09.2020. The learned



counsel also submits that there has been no complaint regarding any demand prior to the alleged occurrence. The petitioner is in custody since 06.10.2020 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail submitting that witnesses in paragraphs 9, 22 and 23 of the case diary have supported the prosecution case on the point that the petitioner or his family members did not try to save the informant while she was burning. However, he admits that in paragraphs 9, 27 and 28 of the case diary, the witness has stated that the co-accused Bharat Sah and his family members with the help of co-villagers took the deceased to the hospital.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that there appears some doubt over the involvement of the petitioner in the alleged occurrence and further considering the period of custody of the petitioner along with his clean antecedent, 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 Additional Sessions Judge-IX, Saran at Chapra, in connection with Sessions Trial



No. 453 of 2020, arising out of Dariyapur P.S. Case No. 241 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

