

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30939 of 2023

Arising Out of PS. Case No.-380 Year-2022 Thana- SAKRA District- Muzaffarpur

SHYAM PODDAR @ SHYAM KISHORE PODDAR S/O LATE TRIVENI
PODDAR R/O Village- Nim Talla chowk (Near R.C. College), P.S- Sakra,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Advocate
For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Sakra P.S. Case No.380 of 2022 instituted under Section 304B, 34 of the IPC lodged on 23.07.2022 by the informant Sujeet Kumar.

As per the prosecution story, the lady was married to Krishna Kumar, son of the petitioner, but was tortured for dowry and on the fateful day, information came that she was burnt to death. Accordingly, the FIR.

Learned counsel for the petitioner submits that it was an accidental death, in any case, he being father-in-law was living separately from Krishna Kumar and the deceased, is an aged person, has already suffered by being in custody since 07.01.2023 (para-13 of the petition).



Learned APP opposes the prayer for bail stating that as per FIR, it is not death only due to burn but the postmortem also says about asphyxia as a result of antemortem pressure on the neck.

The death is unfortunate specially when a young girl has lost her life, the husband failed to protect and will have to suffer, for the present, the case relates to the father-in-law who according to learned counsel lives separately, has remained in custody since 07.01.2023 and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sakra P.S. Case No.380 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate,12th, East Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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