

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32207 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- SARAIYA District- Muzaffarpur

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Dheeraj Sah @ Dheeraj Kumar, Gender-Male, aged about 25 years, Son Of
Santu Sah R/O Village- Pokhraiya, P.S.- Saraiya (JAINTPUR O.P.), District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Saraiya (Jaitpur
OP) PS Case No. 21/2022 registered for the offence punishable under
Section 302, 34 of the Indian Penal Code (for brevity 'IPC').

Informant has alleged that her daughter (victim) was married
to the petitioner in 2013 and has two (2) children. It is alleged that on
08.01.2022, her daughter has been set ablaze by the petitioner along
with three (3) other family members.

Learned counsel for the petitioner submits that falsity of the
First Information Report (for brevity 'F.I.R.') is apparent from the
fact that it does not assign any motive. The F.I.R. is also belated
inasmuch as the same has been lodged on 10.01.2022, though
occurrence is alleged to have taken place on 08.01.2022. In the F.I.R.
itself, the informant has stated that the delay was on account of some
'panchayati' being done in the meantime. This is indicative of the
fact that the deceased had committed suicide as in the investigation
also some persons have stated about the victim's discontent with the



petitioner. As on account of his menial business, he was not in a position to fulfill her material requirements. The case under Section 302 has not been found true by the police also who have submitted charge sheet under Section 306 of the I.P.C. Petitioner is stated to be in custody since 11.01.2022. Though, he has no criminal antecedents.

Learned APP for the State has opposed the prayer for bail. She has submitted that the informant in her written statement and her two (2) sons have supported the allegation.

Considering the rival submissions, material in the investigation, period of custody, clean antecedents and also the charge sheet has been submitted, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IVth, West Muzaffarpur, in connection with Saraiya (Jaitpur OP) P.S. Case No. 21/2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of



the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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