

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43369 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- PASRAHA District- Khagaria

Murari Singh, S/O Narsing Singh @ Naresh Singh, Resident of village-
Lakhsminia, Pasraha, P.S.- Pasraha, District-khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44667 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- PASRAHA District- Khagaria

Parsuram Kumar, Son Of Narsing Singh @ Naresh Singh, R/O Village-
Lakhsminia, Pasraha, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43369 of 2022)

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 44667 of 2022)

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-01-2023 Since both the cases arise out of Pasraha P.S. Case

No. 85 of 2021 as such, they have been heard together and are

being disposed of by this common order.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

Let the defect (s),if any, as pointed out by the office,

be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Pasraha P.S. Case No. 85 of 2021 registered for the alleged offences under Sections 304B and 34 of the Indian Penal Code.

As per prosecution case, the younger sister of the informant was married with petitioner Murari Singh in the year 2017. Petitioner Parsuram Kumar is the younger brother of the petitioner Murari Singh. The allegation against the petitioners is that on account of non-fulfillment of their demand of dowry they along with other co-accused persons assaulted the sister of the informant causing serious injuries to her. Petitioner Murari Singh told the informant that he killed his sister and threw away the dead body.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The wife of the petitioner Murari Singh died due to injuries received in accident near hand pump and the petitioner and his family members have been falsely implicated in this case. The petitioner Murari Singh has been suffering from some mental ailments and was not in a position to demand any dowry. Learned counsel further submits that petitioner Parsuram Kumar

is the brother-in-law of the deceased and there is no specific allegation against this petitioner. This petitioner has no concern with the daily affairs of the deceased and petitioner Murari Singh. Similarly, situated co-accused namely Deepak Kumar has been granted bail by a Coordinate Bench vide order dated 25.02.2022 passed in Cr. Misc. No. 66327 of 2021. Charge sheet has been submitted in this case and the petitioners are in custody since 30.06.2021 and 02.03.2022, respectively.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the death has occurred within seven years of marriage and post mortem report shows death has been caused due to hemorrhage shock and C.R. failure caused by above mentioned injury due to trauma of heavy hard and blunt substance and the injuries are two lacerated wound over left parietal region and bleeding was found from both ears and nostrils. A number of internal injuries were also found during the post mortem. Learned A.P.P. further submits that the witnesses have supported the prosecution case.

Perused the records.

Having regard to the facts and circumstances and considering the nature of allegation against the petitioner Murari Singh who is said to be the husband of the deceased and death

occurring in his house within seven years of marriage and further considering the post mortem report which shows assault, therefore, his prayer for bail is rejected.

However, considering the fact that petitioner Parsuram Kumar is said to be the brother-in-law of the deceased and also considering the grant of bail to similarly situated co-accused Deepak Kumar, the petitioner Parsuram Kumar is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Pasraha P.S. Case No. 85 of 2021, 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 petitioners.
- (ii) The petitioners 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

petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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