

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48112 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- PAROO District- Muzaffarpur

MD SAMSUL S/o Md. Gulab Mian @ Md. Gulab Resident of Village- Kaji Mohammadpur, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Paroo P.S. Case No. 191 of 2021 for the offence registered under Sections 304(B) & 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein, who is the husband of the deceased victim lady, having killed the sister of the informant by pouring kerosene oil and setting her ablaze. The deceased victim lady is stated to have been married with the petitioner way back in the year 2018 and out of the said wedlock, two children had been born.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 03.06.2022. The learned counsel for the petitioner has further submitted that the statement of the witnesses recorded during the course of investigation would show that the sister of the informant has died on account of her pouring kerosene oil on herself and setting herself on fire due to some quarrel having taken place in-between her and the petitioner. It is thus the contention of the Ld. Counsel for the petitioner that the deceased had committed suicide. It is also submitted that though the incident had taken place on 03.05.2021 but the F.I.R. has been lodged belatedly on 09.05.2021 since the informant had submitted his fardbeyan only on 09.05.2021.

Per contra, the learned A.P.P. for the State has though vehemently opposed the prayer for bail but has not denied the fact that independent witnesses have stated about the deceased having committed suicide by pouring kerosene oil upon her and setting herself on fire.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that *prima facie* it appears that the deceased had committed suicide by setting herself on fire apart from the fact that the petitioner is having two children out of the wedlock, which was solemnized with the deceased way back in the year 2018, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned Judicial Magistrate-1st Class, Muzaffarpur in connection with Paroo P.S. Case No. 191 of 2021.

(Mohit Kumar Shah, J)

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