

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73297 of 2022

Arising Out of PS. Case No.-266 Year-2018 Thana- PHULWARIYA District- Gopalganj

PINTU YADAV @ PINTU KUMAR @ PINTU CHAUDHARY Son of Late
Vinay Yadav Resident of Village - Paikauli Bado, P.S.- Phulwariya, District -
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kant, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-01-2023 Heard Mr. Mukesh Kant, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, APP who represents

the State.

The case is registered under section 302/34 of the
Indian Penal Code, in connection with Phulwariya P.S. Case
No. 266 of 2018.

Earlier Cr. Misc. No. 53345 of 2021 was rejected on
6.4.2022 with direction to the trial Court to conclude the trial
expeditiously.

Now fresh application has been filed.

The prosecution story read as follows:

On 19th November, 2018, all the named accused after
verbally abusing the informant (deceased) due to land dispute
later poured kerosene oil and set her on fire. She was rushed to



the hospital where she lodged this FIR and later succumbed to her burn injuries.

Learned counsel for the petitioner submits that the allegation against the deceased's mother-in-law is of putting kerosene oil and set her on flame causing her death in the hospital. So far as this petitioner is concerned, the allegation is of supporting his mother in the process.

The last submission is that the petitioner has already suffered by being in custody since 28.6.2021.

Learned counsel for the petitioner further submits that only charges have been framed and thereafter, there is no progress in the trial.

Taking into account the period of incarceration (28.6.2021) as also the fact that the charges have already been framed and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XI, Gopalganj, in connection with Sessions Trial No. 403 of 2021 arising out of Phulwariya P.S. Case No. 266 of 2018 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

