

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27455 of 2024

Arising Out of PS. Case No.-368 Year-2023 Thana- AAJAM NAGAR District- Katihar

Sonai Karmkar @ Sonai Lal Karmkar son of Late Jailal Karmkar Village-
Hurahajra Ps- Azamnagar Salmari OP Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Musowir, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 22-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Azamnagar (Salmari O.P.) P.S. Case No. 368 of 2023 for the offences punishable under Sections 304(B) of the Indian Penal Code lodged on 21.10.2023 by the informant, Purnima Devi.

3. As per the prosecution story, the informant alleged that the petitioner was married to her daughter in the year 2021 but on 15.10.2023, they got information that she has suffered burn injuries, rushed to Barsoi Government Hospital, thereafter, she was shifted to Patna but died on 20.10.2023. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that earlier the Co-ordinate Bench had called for the case diary and



independent witnesses have stated that upon coming to knowledge they rushed to house of the petitioner where the victim lady was screaming that she had burnt herself with a request to save her.

5. Learned APP has filed a counter affidavit on behalf of Dy.S.P., Katihar, according to which, despite she being in Barsoi Hospital and at Patna, the statement could not be recorded because of 95% burn injuries.

6. The unfortunate death has occurred, a lady has left this world in her early age, the petitioner has remained in judicial custody since 22.10.2023 (para-10 of the petition), has no criminal antecedent, it has been undertaken by learned counsel for the petitioner that given a chance, he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Chief Judicial Magistrate-, Katihar, in connection with aforesaid P.S. Case, subject to the following conditions:

(i) one of the bailors 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 his bail bonds.

(Rajiv Roy, J)

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