

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51855 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- SIKTA District- West Champaran

1. Munnilal Ram son of Ramchandra Ram Resident of Village- Sirisiya, Ps- Sikta Dist- West Champaran
2. Krishna Ram son of Munnilal Ram Resident of Village- Sirisiya, Ps- Sikta Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-09-2024

Heard the parties.

2. The petitioners are in custody in connection with Sikta P.S. Case No. 131 of 2023 for the offence punishable under sections 302, 201 and 34 of the Indian Penal Code lodged on 12.11.2023 by the informant, Chandeshwar Ram.

3. As per the prosecution story, the informant alleged that when he went to his sister's home, she was dead and according to the information, the husband and son assaulted her which was narrated by the differently abled son of the deceased. Accordingly, the FIR.

4. Learned counsel for the petitioners (who are husband and son of the deceased) submits that after long time, the son had come, was distributing sweets to the villagers but chose not to talk to the mother. Saddened with the said act of the son, she



committed suicide. Further, as they panicked, the dead body was consigned to flames. According to him, the charge-sheet has been submitted under Section 306 of the IPC and the petitioners have remained in custody since 12.11.2023 (paragraph-15 of the petition).

5. Learned APP opposes the prayer for bail submitting that even if the charge-sheet has been submitted under Section 306 of the IPC, the reason behind the said death is the son whose act led the lady to commit suicide.

6. It is unfortunate that a lady left this world only because the son chose not to converse with her. Further, adding insult to injury, he was distributing sweets without offering the same to the mother. However, the fact remains that the charge-sheet has been submitted under Section 306 of the IPC, both the petitioners are husband and son and are in custody since 12.11.2023, do not have criminal antecedent and learned counsel for the petitioner has given an undertaking that they will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, in connection with Sikta P.S. Case



No. 131 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

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

(Rajiv Roy, J)

Adnan/-

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