

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60457 of 2024

Arising Out of PS. Case No.-232 Year-2023 Thana- BARHAT District- Jamui

Rajeev Saw @ Rajiv Sao Son of Sri Dilip Saw Resident of Village - Darha,
P.S. - Barhat, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Umesh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 28-11-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner as also learned counsel for the informant, Mr.

Umesh Prasad besides the learned APP for the State.

2. The petitioner is in judicial custody in connection
with Sessions Trial No. 219 of 2024 arising out of Barhat P.S.
Case No. 232 of 2023 for the offence punishable under
Sections 302, 304(B)/34 of the Indian Penal Code lodged on
13.12.2023 by the informant, Churaman Sao.

3. As per the prosecution story, the informant
alleged that his daughter was married to this petitioner and
two female child arrived in this World pursuant to the
wedlock. Subsequently, she was tortured for dowry and on the



fateful day, information came that they have taken extreme steps of burning the lady who succumbed to the injury in the hospital. This followed the FIR.

4. It is the case of the petitioner that the couple was blessed with two female child and they were living happily. They petitioner moved out for job, whereafter, it came to his knowledge that she has developed physical relationship with her brother-in-law. Upon return, he confronted and she accepted that not only his brother-in-law, she is having physical relationship with a neighbour also. Perturbed with this, the petitioner forced the lady to go for ultrasound next morning, it is his case that in the morning, she locked herself in the bathroom and put herself on fire. However, due to heat as also burning of cells, she ran outside and Ambulance called, she was rushed to the Hospital where the lady succumbed to the injuries.

5. Learned counsel for the petitioner submits that probably the lady got disturbed as he wanted an ultrasound, committed suicide which has been given the colour of murder. The Police after investigation concluded it to be the case of suicide and accordingly, submitted charge-sheet under section 306 of the IPC but later cognizance has been taken under



section 302 of the Indian Penal Code. He is in custody since 05.01.2024 (para-21 of the petition). If the relief is granted, he will diligently appear in trial on each and every date and failure to do so and/or in case he tries to delay the trial, the informant's side shall be free to take steps for cancellation of bail bond.

6. Learned counsel for the informant on the other hand submits because of female child, the family was disturbed and that was the reason for the accused to put her on fire and contrary to the submission put forward by the learned counsel for the petitioner, it is not their family but the neighbour/villagers who took her to the Hospital where she succumbed to the injury.

7. In this case, Trial Court's report was called for which is on record and as per the letter no. 145 dated 29.10.2024, 2 out of 13 chargesheeted witnesses have been examined.

8. Having gone through the facts of the case and the submissions of the parties, as also perusing the case diary, the stand taken by both the parties have come on record. In that circumstance and considering that earlier the Police submitted charge-sheet under section 306 of the IPC and subsequently,



cognizance has been taken, the petitioner is in custody since 05.01.2024, only two out of thirteen prosecution witnesses have been examined, the petitioner has undertaken to diligently appear in trial on each and every date and will not in any circumstance, delay the trial, in that circumstance, this Court is inclined to extend him the privilege of bail with conditions.

9. 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 District and Sessions Judge-III, Jamui, in connection with Sessions Trial No. 219 of 2024 arising out of Barhat P.S. Case No. 232 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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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