

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4877 of 2024

Arising Out of PS. Case No.-315 Year-2021 Thana- BAISI District- Purnia

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Singheshwar Sah s/o Late Anup Lal Sah resident of Sub-Divisional colony,
Pani Sadra, P.s.- Baisi, Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Baisi P.S. Case No.315 of 2021, lodged on 30.10.2021, under
Section 302/34 of the Indian Penal Code.

3. It has been alleged in the FIR that marriage of the
deceased was solemnized with the petitioner five years back and
the occurrence has taken place on 29.10.2021 in which
informant, who is father of the deceased, has not named
anybody and case has been filed against unknown. But, later on
during investigation, name of the petitioner has been figured on
the statement of the informant itself that his son-in-law
involved in the said killing.



4. Learned counsel for the petitioner submits that the petitioner and his wife both were widower and widow. After death of their respective spouse, they entered into married. Counsel for the petitioner submits that due to accidental death of the petitioner's first wife by the Court he was about to get her death compensation amount of Rs.5,90,000/- and only due to this money, the dispute has occurred and resulted into suicide by his second wife. This event is well known to the informant and it is due to this reason in the FIR there is nothing adverse alleged against the petitioner. But subsequently the statement has been made by the informant against the petitioner due to which petitioner is in custody. Counsel further submits that the petitioner is in custody since 26.09.2023 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that it is a case of offence under Section 302 in which petitioner is not named in the FIR but during investigation his name has figured.

6. On specific query from the Court that whether charge has been framed or not. Counsel for the petitioner submits that as per his knowledge charge has not been framed.

7. In the present facts and circumstances of this case



and the submissions made above, let the petitioner, above named, be granted bail **two months after framing of the charges** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Baisi P.S. Case No.315 of 2021, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor 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 bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J)

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