

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54324 of 2024

Arising Out of PS. Case No.-113 Year-2017 Thana- MAHILA P.S. District- Nalanda

Amrendra Pandey Son of Late Suresh Pandey Resident of Village -
Makhdumpur, Nepura, P.S. - Manpur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 17-04-2025 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 43 of 2024 (arising out of Mahila (Nalanda) P.S. Case No. 113 of 2017), registered for the offences punishable under Sections 498(A), 323, 341, 307 and 34 of the Indian Penal Code and to which Section 302 of the Indian Penal Code was added subsequently.

3. The prosecution case in brief is that one Guddi Devi gave her fardbeyan that on 09.06.2017, she was cooking food in the morning and serving to her husband. She further stated that her son was playing in front of her house and suffered from Epilepsy and she went to bring him inside, her husband and mother-in-law started abusing and beating her and



her sister-in-law also abused her. She further stated that her husband had set her ablaze as a result, she was badly burnt and thereafter, she was subsequently taken to the hospital. Initially, the case was lodged under Sections 498(A), 323, 341, 307 and 34 of the I.P.C. However, during the course of investigation, as the said Guddi Devi had died, the police submitted charge-sheet under Sections 498A, 303 and 34 of the I.P.C.

4. Learned counsel for the petitioner submits that petitioner is in custody since 11.08.2023 and he has falsely been implicated in this case. He has further stated that report regarding stage of the trial has come which has been brought on record by way of Accexure-3 and from perusal of the same it is evident that PW-1 Sunil Kumar Shastri, who was the maternal uncle of the deceased has supported the case of the petitioner. Similarly, PW-2, PW-3 and PW-4 have been declared hostile. While PW-5 has stated in her examination-in-chief that she had heard the *hulla* and reached to the house of Guddi Devi and saw that Guddi Devi who was wearing a nighty which had caught fire while she was preparing food. Similarly, PW-6, namely, Sobha Devi has also stated the same fact while PW-7 has also stated that Guddi Devi had died due to the injury sustained while she was cooking food and PW-8 who happens to be the



own daughter of Guddi Devi, in her examination-in-chief has stated that fire caught the cloth of her mother while she was cooking food. Learned counsel further submits that during the evidence in the trial almost half of the witnesses who are relatives of the informant have not supported the factum of the petitioner being killed. Lastly, he has submitted that the petitioner is in custody since 11.08.2023 and there is no possibility of the trial concluding in near future.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that petitioner being the husband was duty bound to take care of his wife which he could not do so and hence he does not deserve to release on bail.

6. Considering the fact that the witnesses who have been examined during the trial has not supported the fact that petitioner has burnt his wife, the petitioner is in custody since 11.08.2023 and also taking into account the status report sent by the Court below in which it has been found that almost 10 prosecution witnesses are still left to be examined, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with



two sureties of the like amount each to the satisfaction of the court of learned Additional District & Sessions Judge- XI, Nalanda, in connection with Sessions Trial No. 43 of 2024 arising out of Mahila (Nalanda) P.S. Case No. 113 of 2017.

(Sourendra Pandey, J)

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