

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29240 of 2014**

Arising Out of PS.Case No. -173 Year- 2013 Thana -CHANDI District- NALANDA  
(BIHARSHARIFF)

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Nitish Pandit @ Nitish Kumar, son of Ram Babu Pandit, resident of  
Subnina, P.S.-Athmalgola, District-Patna

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Manoj Kumar Pandey, Advocate  
For the S t a t e : Mr. Subash Chandra Mishra(APP)  
For the Informant : Mr. Shive Kumar, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

5      19-02-2016                      Heard learned counsel for the petitioner and the  
  
learned counsel appearing on behalf of the State. Learned  
  
counsel for the informant has also entered appearance to contest  
  
the matter.

The petitioner is apprehending his arrest in connection  
with Chandi P.S. Case No.173 of 2013 for allegedly having  
committed the offence under Sections 498A, 307, 34 of the  
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Case diary in the present case was also called for,  
which has since been received.

Learned counsel for the petitioner submits that though  
an allegation of demand of dowry has been made against the  
petitioner, yet thereafter different versions regarding the demand  
of dowry have been made. The first version of 2011 specifically



states that after three years of marriage, the petitioner started demanding motorcycle from the family of the informant. In the present complaint petition, which was subsequently registered as an F.I.R., altogether different statements have been made regarding demand of dowry. In the present case, it has been submitted by the informant that soon after *Duragman* of the deceased lady, the petitioner started demanding Rs.20,000/- and a television.

There being two different versions during different points of times, a cloud can well be cast on the prosecution story.

Learned counsel for the informant submits that right from the very beginning, there is demand of dowry, which stands corroborated in the complaint petition filed in the year 2011.

Learned counsel for the petitioner submits that the victim girl had been taken home by the father of the deceased lady and thereafter after long illness she died/succumbed to her illness which was diagnosed as tuberculosis.

Learned counsel appearing on behalf of the State, after perusal of the case diary, submits that the father of the deceased lady, namely, Dinesh Pandit, had stated that on 18.6.2013 she was taken to Tata Ward of the P.M.C.H. It has also been stated by said Dinesh Pandit that the deceased lady was suffering from

tuberculosis and during the course of treatment she died.

Considering the entire facts and circumstances, the nature of allegations made and the materials, which have surfaced in the case diary, it appears that though there was a demand of dowry, the victim girl did not die thereof but died due to being a patient of tuberculosis and, as such, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Nalanda at Biharsharif, in connection with Chandi P.S. Case No.173 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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