

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33382 of 2017

Arising Out of PS.Case No. -205 Year- 2017 Thana -BANKA District- BANKA

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PINTU KUMAR PANDA @ PINTU PANDA Son of Shyam Sundar Panda
resident of Village - Gortia, Police Station - Barahat, District - Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.30451 of 2017

Arising Out of PS.Case No. -205 Year- 2017 Thana -BANKA District- BANKA

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Shyam Sundar Panda, son of Late Sabir Panda, resident of Village- Gortia,
Police Station- Barahat, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.33382 of 2017)

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party : Mr. APP

For the Informant : Mr. Dharendra Kumar, Adv.

(In Cr.Misc. No.30451 of 2017)

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. APP

For the Informant : Mr. Dharendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-11-2017 Heard Mr. Ajay Kumar, the learned counsel for the

petitioners and Shri Dharendra Kumar, the learned counsel for the

informant as well as the learned APP for the State.

Since both the aforesaid bail petitions arise out of a

common FIR dated 11.04.2017, they have been heard together and

are being disposed of by this common order.

The petitioners seek regular bail in connection with

Banka (Barahat) P.S. Case No. 205 of 2017 for the offences



punishable under Sections 304(B)/34 of the Indian Penal Code.

The case of the prosecution, as per the written fardbeyan of the father of the victim girl dated 11.04.2017, registered for the offences under Section 304(B)/34 of the Indian Penal Code, is that both the aforesaid petitioners i.e. the husband of the victim and the father-in-law of the victim along with the mother-in-law of the victim namely Lalita Devi, have committed murder of the daughter of the informant of the said case since the demand of dowry was not fulfilled.

This Court, by an order dated 06.09.2017, had called for the up-to-date case diary, which has been received in the present case.

From the case diary, it is apparent that serious allegations have been levelled against the petitioners and even the postmortem report corroborates the factum of death of the victim. However, as far as the father-in-law of the victim girl i.e. the petitioner of Cr. Misc. No. 30451 of 2017 is concerned, no clear finding is present in the case diary regarding his complicity and the same is the position with regard to mother-in-law of the victim girl. Nonetheless, on the basis of the materials collected during the course of investigation as well as on the basis of the postmortem report, the police has filed charge sheet on 09.07.2017 against the petitioners herein while keeping the investigation continuing



against the third accused namely, Lalita Devi i.e. the mother-in-law of the victim.

The learned counsel for the petitioners submits that the petitioners are innocent and the fact is that the victim girl has committed suicide by hanging herself as has been corroborated by the postmortem report. It is further submitted that the petitioners are languishing in custody since 12.04.2017 and there is no chance of early conclusion of the trial. It is also contended that the petitioners themselves had informed the police about the said incident of hanging, however, no action was taken by the police to register the case.

Per contra, the learned counsel for the informant Shri Dharendra Kumar, has submitted that the investigation made by the police would bear it out that the petitioners herein are responsible for the death of the daughter of the informant. It is further submitted that the postmortem report also corroborates the incident. The learned counsel for the informant has also submitted that there are ample materials on record to suggest the complicity of the petitioners.

At this stage, the learned counsel for the petitioners submits that he is not pressing the bail petition of the husband of the victim i.e. Cr. Misc. No. 33382 of 2017, however, some observations may be given regarding renewal of his prayer for



bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner of Cr. Misc. No. 30451 of 2017 namely Shyam Sundar Panda on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 205 of 2017.

However, as far as the petitioner of Cr. Misc. No. 33382 of 2017, which has been filed by Pintu Kumar Panda @ Pintu Panda i.e. the husband of the victim, is concerned, his prayer for bail is rejected at the moment. The trial is expedited. It is expected that the learned trial court would complete the trial within a period of one year from today.

In case, the trial is not completed within a period of one year, the petitioner, namely, Pintu Kumar Panda @ Pintu Panda would be at liberty to renew his prayer for bail.

(Mohit Kumar Shah, J)

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