

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48815 of 2017

Arising Out of PS.Case No. -241 Year- 2015 Thana -KADAMKUAN District- PATNA

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Deepak Kumar, son of Kashi Prasad resident of village - Dariyapur Dhobi
Gali, Police Station - Kadamkuan, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 28-11-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Sessions Trial No. 03 of 2017, arising out of Kadamkuan P.S.
Case No. 241 of 2015 dated 08.06.2015 instituted for the offences
under Section 304(B)/34 of the Indian Penal Code and Sections
3/4 of the Dowry Prohibition Act.

The petitioner is husband of the deceased.

The father of the deceased had lodged the F.I.R
clearly stating that the deceased was married to the petitioner in
the year 2010 and she had been living happily with him. Only on
08.06.2015, the father of the deceased was informed that the
deceased is dead. On such information, the informant along with
others took his daughter to the PMCH where she was declared



dead.

During the course of investigation, but for the vague statements of the parents of the deceased that the deceased was being pressurized for bringing additional dowry, no other incriminating material was collected. On the contrary, the landlord of the petitioner has stated in para 47 of the case diary that the petitioner along with his family including the deceased had been residing in his house and never in the past, he or any person of the neighborhood had seen the petitioner fighting with the deceased. The other witnesses have also stated that the relationship between the spouses was extremely cordial and nobody had any clue as to how and why the deceased died or committed suicide.

The postmortem report reveals a ligature mark on the neck which is perhaps because of hanging. After investigation, charge-sheet was submitted and thereafter cognizance was taken and the case now is at the trial. During trial, it has been argued, three prosecution witnesses who are the material witness have also been examined and they have not stated anything against the petitioner.

The petitioner has remained in jail since 25.04.2016.

Regard being had to the aforesaid facts, this



Court is inclined to grant bail to the petitioner during the pendency of the trial.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Fast Track Court-I, Patna in connection with Sessions Trial No. 03 of 2017, arising out of Kadamkuan P.S. Case No. 241 of 2015.

The petitioner shall, however, participate in the trial and any attempt on the part of the petitioner to evade the process of trial would entitle the State to proceed for cancellation of bail of the petitioner.

(Ashutosh Kumar, J)

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