

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55428 of 2016

Arising Out of PS.Case No. -283 Year- 2015 Thana -MEERGANJ District- GOPALGANJ

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Sant Kumar Jee, Son of vishwanath Prasad, Resident of Village- Line Bazar, P.S.- Line Bazar, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv. Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 09-08-2017 Heard learned Counsels appearing on behalf of the petitioner and the State.

The petitioner, being the husband of the victim, has renewed the prayer for bail in connection with a case registered for the offences punishable under Sections 498A, 326 and 307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. Subsequently, section 304B of the IPC was also added.

The accusation is of killing the daughter of the informant after four years of marriage by causing burn injury for non-fulfillment of dowry demands.

A certified copy of the deposition of prosecution witness has been brought on record, let the same be kept on



record.

It is submitted by learned Sr. Counsel appearing on behalf of the petitioner that the victim died due to accidental fire and several independent witnesses have not supported the prosecution case. During trial Mithilesh Pd. Gupta and Bindhayachal Prasad have been examined as PWs. 2 and 3, but they did not support the prosecution case. Consequently, they have been declared hostile. The brother of the victim namely, Vikash Kumar, has been examined as PW-1, but during his cross examination he suggested that he came to know about the incident after 5-6 days of the occurrence from his father, who is the informant.

The report of the learned Additional Sessions Judge-1, received through Letter No. 100, dated 15.05.2017, kept at Flag-A, reflects that out of eight charge-sheet witnesses, three have been examined, but the five witnesses including the informant and the I.O. have not been examined. The informant of the case is not coming to the Court for examination, hence, summons and warrant of arrest against the informant and other witnesses have been issued. The report of the learned trial Court further stipulates that the post-mortem report has still not been



brought on record. However, the trial is likely to be concluded within a period of ten months.

It is further submitted by learned Sr. Counsel appearing on behalf of the petitioner that admittedly the death of the victim, took place after four years of marriage, hence, the accusation of the prosecution appears unreasonable, moreover, when there was no allegation with regard to demand of dowry prior to marriage or any torture for demand thereafter.

Learned APP for the State submits that the thrust of accusation is against the petitioner being husband of the victim.

Considering the fact that the informant himself is not interested in appearing before the learned Court below, in spite of warrant of arrest being issued against him, which gets reflected from the report of learned Additional Sessions Judge-1, hence, there is no likelihood that the trial is likely to be concluded in near future.

Considering the aforesaid fact, let the above named petitioner 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 learned ADJ, 1st, Gopalganj, in connection with Mirganj P.S. Case No.283 of 2015 (S. Tr. No. 573



of 2016).

The learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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