

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33128 of 2017

Arising Out of PS.Case No. -168 Year- 2016 Thana -JAMALPUR District- MUNGER

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1. Pankaj Kumar Son of Mahendra Sah @ Mahendra Sao, Resident of
Mohalla- Naya Tola Keshopur, P.S.- Jamalpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 11-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
12.12.2016 in connection with Jamalpur P.S. Case No.
168/2016 for offences punishable under Sections 304-B/34 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Dolly Kumari was married to the petitioner in
February, 2015 and was harassed for demand of dowry, which
was fulfilled. It is further alleged that still the petitioner and the
in-laws used to ill-treat her and on 10.12.2016 he received
information from the petitioner that his daughter is being taken



to the hospital, thereafter she succumbed.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that Section 304 of the I.P.C. is not applicable as there was no demand of dowry for few months before the deceased died. He further submits that the independent witnesses have not supported the prosecution case as they have stated that she suffered from loose motion and cold. It is submitted that the post mortem report also does not speak of any external or internal injury, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that she died within seven years of her marriage.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Addl. Chief Judicial Magistrate No. 2, Munger, in connection with Jamalpur P.S. Case No. 168/2016, subject to



the condition that both the bailors would be close relatives of
the petitioner.

(Nilu Agrawal, J)

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