

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22639 of 2018

Arising Out of PS. Case No.-173 Year-2017 Thana- KADWA District- Katihar

Pinku Roy Son of Late Mahesh Lal Roy All Resident of Village-Bariharpur
P.S. Kadwa District Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 21-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Kadwa P.S. Case No. 173 of 2017 registered for the offence punishable under Sections 304(B)/34, of the Indian Penal Code.

Informant is the mother of deceased, who in her fardbeyan has stated that her daughter was married to petitioner about 5-6 years before and she was subjected to torture for non-fulfillment of demand of dowry. On 26.06.2017 she received telephonic information from the petitioner that her daughter has died and on receiving such information she alongwith other relatives reached Primary Health Centre, Nadwa where she found her daughter to be dead.

It has been submitted that there is general and



omnibus allegation against all the accused of demand of dowry and torture. It has been further submitted that petitioner gave information of death of her daughter to informant and on receiving such information they had come to the Hospital. The deceased daughter of informant committed suicide by consuming poison. She had no issue and there was some dispute with family members for which she committed suicide. Charge sheet has been submitted. A report was called from the court below regarding stage of trial and it has been reported that case has been committed to the court of session and charges are to be framed.

Considering the nature of allegation and also in view of the fact that the informant was telephonically informed by the petitioner of death of his wife and daughter of informant and their allegations of demand of dowry and torture is omnibus and general in nature. Petitioner is in custody since 28.06.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate- IV, Katihar, in connection with Kadwa P.S. Case No. 173 of 2017 subject to the following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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