

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2501 of 2019

Arising Out of PS. Case No.-197 Year-2017 Thana- GORAUL District- Vaishali

Sanoj Pandit, S/o- Jugeshwer Pandit, Resident of Village – Manjhiya, P.S-
Goraul (Kathara O.P.), Dist- Vaishali

... .. Petitioner/s

Versus

1. State Of Bihar.
2. Vijay Pandit, S/o- Ram Nath Pandit, Resident of Village - Laxmipur
Chakisun, P.S.- Mahua, Dist- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 07.09.2018
in a case registered for the offences punishable under Sections
304(B) and 34 of the IPC.

The prosecution case, as per the written report of Bijay
Pandit, dated 12.08.2017 submitted to the Station House Officer,
Kathara O.P., is to the effect that the sister of the informant
namely Babita Devi, was married with the petitioner 6-7 years
prior to lodging of the present case but subsequently, further
dowry demand of Rs. 50,000/- for the purpose of starting a
business, was made and due to non-fulfillment of the same, on
11.08.2017, the sister of the informant was killed by
administering poison to her by the petitioner and the other in-



law family members. Thereafter, informant received the information about the killing of her sister and when he reached to in-law house of his sister, he learnt that his sister was admitted at Krishna Hospital. Thereafter, as soon as the informant reached at the hospital, all the accused persons escaped from the scene after leaving behind the dead body of his sister.

It is submitted by learned counsel for the petitioner that in the F.I.R. no specific date of marriage has been mentioned by the informant. The accusation of demanding dowry after 6-7 years of the marriage has been levelled against the petitioner and even assuming the accusation to be true, no case under Section 304(B) of the I.P.C. is made out. It is further submitted that the accusation is of demanding dowry of Rs. 50,000/-, but it was demanded for conducting some business, hence it was treated as a loan. It is further submitted that the further accusation is of administering poison to the victim, but the postmortem report does not suggest that any external injury has been caused to the victim or she was poisoned to death and the viscera report has been kept reserved. Moreover, the informant has retracted from his version before the learned Court below.

Learned APP, submits that the thrust of accusation is



against the petitioner.

Considering the fact that the informant was informed about the incident, the victim was given medical assistance and the postmortem report does not suggest any injury, particularly, any resisting injury caused to the victim, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **A.C.J.M.-I, Vaishali at Hajipur** in connection with **Goraul (Kathara O.P.) P.S. Case No.197 of 2017.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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