

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9835 of 2019

Arising Out of P.S. Case No.-180 Year-2018 Thana- KALUAHI District- Madhubani

BIHARI PANDIT, aged about 71 years, Son of Late Gultan Pandit, Resident of Village- Kahikapur, Nabtole, P.S.- Kaluahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-02-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 20.11.2018 in connection with Kaluahi P.S.Case No.180 of 2018 corresponding to CRI No.2320 of 2018 for the offence alleged under Sections 302, 304(b) and 34 of the Indian Penal Code .

The prosecution case as lodged by the informant is that his daughter was married to the son of the petitioner, namely, Sanjay Pandit and due to non-fulfilment of demand of dowry, she has been burnt to death by the husband and the other in-laws of the family.

It has been submitted by the learned counsel for the petitioner that he is innocent, is the father-in-law of the victim deceased and is 71 years of age. The victim died due to catching



the fire on her clothes and she was alive after the burn and was taken to the hospital for treatment. He further submits that the husband is already in custody as stated in para-11 of the present application and that there is general and omnibus allegations and no specific allegation against the petitioner. He further submits that chargesheet has already been submitted there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the victim died within seven years of marriage for torture and non-fulfilment of demand of dowry.

However, considering the facts and circumstances and the materials on record as well as the fact that the husband is already in custody and also considering the age of the petitioner, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kaluahi P.S.Case No.180 of 2018 corresponding to CRI No.2320 of 2018 to the satisfaction of Sri M.Dubey, Judicial Magistrate, Ist Class, Madhubani, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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