

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14406 of 2019

Arising Out of PS. Case No.-24 Year-2018 Thana- NAYAGAON District- Begusarai

ANAND KUMAR Son of Bipin Kumar @ Vipin Kumar @ Bipin Kumar
Singh @ Bipin Singh @ Vipin Singh Resident of village Gorgama, P.S.-
Nayagaon, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
31.08.2018 in connection with Nayagaon P.S. Case No. 24 of
2018 initially registered for offences punishable under Sections
309, 313, 498-A, 34 of the Indian Penal Code, but later on after
the death of the informant Sections 324, 326, 304-B of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act,
has been added.

The prosecution case, as lodged by the informant
deceased victim lady Sonakshi Devi, is that she was married to
the petitioner and on 10.05.2018 there was a verbal fight with
her mother-in-law Sadhna Devi. Thereafter her husband



(petitioner) also started abusing and fighting with deceased-wife, for which out of anger she put kerosene oil and set herself on fire.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, no such complaint had ever been lodged by the deceased, who was the wife of the petitioner, and after burn she died, hence, Section 304-B and other allied Sections of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act has been added. He further submits that the deceased-wife had not alleged of any demand of dowry in the FIR and had stated that she herself poured kerosene oil on herself which, subsequently, resulted in her death and can be taken as a dying declaration, hence, the petitioner has been falsely implicated. It is submitted that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses and the petitioner is ready to cooperate in the trial and appear before the trial court as and when required.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the statement made in the FIR by



the deceased before her death, 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-IV, Begusarai, in connection with Nayagaon P.S. Case No. 24 of 2018, subject to the following conditions :

1. 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.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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