

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20186 of 2019

Arising Out of PS. Case No.-167 Year-2018 Thana- KHARIK District- Bhagalpur

1. MITHILESH DAS, aged about 29 years, Gender-Male, Son of Pankaj Das (husband), Resident of Purbi Gharari, P.S.- Khanik, District - Bhagalpur.
2. Pankaj Das, aged about 46 years, Gender-Male, Son of Rajendra Das (father-in-law), Resident of Purbi Gharari, P.S.- Khanik, District - Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Aditya Nath Pandey, Advocate.

For the Opposite Party : Mr.Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-04-2019 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners are languishing in custody since
22.07.2018 in a case for the offence registered under Sections
304(B)/34 of the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioners killed the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no criminal antecedent.
Charge sheet has been submitted in the present case. There is no
allegation of tampering with the witnesses alleged against the



petitioners. The petitioners have falsely been implicated in the present case. It is further submitted that the informant has already been examined in trial where she has not supported the prosecution case. From perusal of paragraph nos. 25 and 26 of the case diary, it is evident that the victim herself has committed suicide. Hence, no offence under Section 304(B) of the IPC is made out.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge, Naugachhia, Bhagalpur, in connection with Sessions Trial No. 755 of 2018 (arising out of Kharik P.S. Case No. 167 of 2018).

It is expected that the petitioners will co-operate during the trial.

(Sudhir Singh, J)

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