

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26741 of 2019

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

Sanjay Pandit Son of Bihari Pandit Resident of Village- Kalikapur, 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.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 20-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 20.11.2018 has
filed the instant application for grant of bail in connection with
Kaluahi P.S. Case as No. 180 of 2018 registered for the offence
punishable under sections 302, 304B and 34 of the Indian Penal
Code.

As per the allegation in the FIR lodged by the father
of the deceased, he married his daughter to the petitioner 7 years
back. His daughter had two issues. As per the informant the
petitioner was regularly making demand of dowry and was
torturing his daughter. On 19.11.2018 he received information
that she had been burnt. On the informant reaching the hospital,
the daughter of the informant is said to have told him that the
accused persons including the petitioner burnt her at 8 P.M. on



18.11.2018. She died on 19.11.2018 at 9 A.M., on way to the hospital at Darbhanga.

It was submitted on behalf of the petitioner that the allegations as made in the FIR are false and concocted. There has been no complaint in the past against him. It was further submitted that the independent witnesses namely, Basudeo Yadav, Jitan Yadav and Hari Chandra Yadav who are co-villagers as also neighbours have in their statement under Section 161 Cr.P.C stated that the petitioner with his wife was living separately from other members of the family. About three days back, she had made an attempt to hang herself but was saved. The witnesses further stated that both the petitioner and his wife had worked in the field for whole day and had returned at 4 P.M. They heard that while cooking their meal she had got burnt on which the co-villagers as also her father had taken her for treatment to Primary Health Center, Jaynagar. Thereafter, she was referred to Darbhanga for better treatment but on way to D.M.C.H, Darbhanga, in an ambulance, she died. Her father got the ambulance along with the body of the deceased to the police station where the FIR was lodged. It was further submitted that the petitioner is in custody since 20.11.2018 and the investigation having concluded, charge sheet has been



submitted in the case under sections 302,304B and 34 of the Indian Penal Code.

The application for bail has been opposed by learned APP for the State submitting that the petitioner is the husband of the deceased and there is direct allegation against him in the FIR.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation against the petitioner in the FIR, the Court is not inclined to grant bail to the petitioner and as such his application for bail is rejected.

However, taking into consideration the statements of the witnesses recorded in course of investigation and which have been referred to above in his submission by the learned counsel for the petitioner, the petitioner, if so advised, may renew his prayer for bail on completing one year in custody.

(Partha Sarthy, J)

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