

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33931 of 2019

Arising Out of PS. Case No.-161 Year-2018 Thana- SAKRI District- Madhubani

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Pawan Kumar Das Son of Kailash Das Resident of village- Purani Bajar
Sakri, Lauwa Kothi, P.S.- Sakri, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kusum Rani, Advocate
: Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-05-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks bail in connection with Sakri
P.S. Case No.161 of 2018 registered under Section 304B read
with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the petitioner has no concern with the alleged
death of the daughter of the informant. He is younger brother of
the husband of the deceased, who was mother of three children.
There was no complaint prior to death of the deceased that she
was being subjected to cruelty for demand of dowry. The
petitioner being a student of Bachelor of Physiotherapy was
studying at Mewar University, Chittorgarh, Rajasthan. The



deceased died, of course, in other than natural circumstance, while the petitioner was not even present in his village home. The co-accused Kailash Das and Bholi Devi have already been granted bail by a bench of this Court vide order dated 28.02.2019 passed in Cr. Misc. No.5244 of 2019.

Learned counsel for the State being assisted by the learned counsel for the informant opposed the application for grant of bail to the petitioner. They have stated that the daughter of the informant was killed in her matrimonial home and the postmortem report also suggest that death was homicidal one. He contended that there is also allegation that the deceased was being subjected to cruelty for non-fulfillment of demand of rupees fifty thousand). However, they conceded that Kailash Das and Bholi Devi, the father-in-law and mother-in-law respectively of the deceased have already been granted bail by a bench of this Court vide order dated 28.02.2019 passed in Cr. Misc. No.5244 of 2019 and the said order has not been challenged in appeal.

Having regard to the submissions made above, since the case of the petitioner is not distinguishable from the case of the other two co-accused persons, who have already been granted bail by this Court, in order to maintain consistency, he



is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani in connection with Sakri P.S. Case No.161 of 2018 subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioner shall not commit an offence similar to the offence of the present case, and
- (c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

Md. S/-

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