

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4205 of 2019

Arising Out of PS. Case No.-61 Year-2016 Thana- CHAND District- Bhabhua (Kaimur)

Dilip Prajapati son of Ram Narayan Prajapati @ Ramayan Prajapati Resident
of Village And P.S.- Chand District- Kaimur(Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard learned counsels for the parties.

The petitioner, being the husband of the victim is languishing in custody since 15.9.2016 in a case registered for the offences punishable under Sections 304B/34 of the I.P.C.

The prosecution case as per the written report of Maku Prajapati dated 2.6.2016 submitted to the SHO, Chand Police Station is to the effect that the daughter of the informant was married to the petitioner about five years prior to the lodging of the case. Subsequent to the marriage, the torture was inflicted upon the daughter of the informant for non-fulfillment of further dowry. Though subsequently an agreement was reached between the parties to the effect that the petitioner will not torture the victim but ultimately on 2.6.2016, the informant received information that his daughter has been killed.



Thereafter, the informant went to her daughter's in-law's house to find the dead body of his daughter.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion the accusation has been levelled. It is further submitted that the accusation of further dowry demand after five years of marriage appears to be absolutely unreasonable and unbelievable. During post mortem, no injury has been found and the doctor has failed to ascertain the cause of death, hence, viscera has been kept preserved. However, the FSL report suggests the presence of Alluminium Phosphide in the viscera and considering the same, prayer of the petitioner's bail has earlier been rejected twice by a Bench of this Court (Hon'ble Mr. Justice J.M. Sharma, since retired). However, in the last rejection order dated 6.12.2017 passed in Cr. Misc. No. 57970 of 2017, it has been observed that if the trial is not concluded within six months from the date of receipt/production of the order, the petitioner will be at liberty to renew his prayer for bail. It is submitted by learned counsel for the petitioner that even considering the viscera report, it is a case of suicide since there is no resisting injury found on the body of the victim and despite the direction of this Court to conclude the trial within six months, till date only three witnesses have been examined,



moreover, they have not supported the prosecution case.

Learned APP submits that the thrust of accusation is against the petitioner, being husband of the victim.

Considering the fact that despite the petitioner languishing in custody since more than two years and the direction of this Court to conclude the trial, the same has not yet been concluded, moreover, there is nothing on record to suggest that the trial has not been concluded due to the laches on the part of the petitioner, the post mortem report does not suggest any resisting injury reflecting forceful administration of poison, coupled with the period in custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ Ist, Kaimur at Bhabua in connection with Chand P.S. Case No.61 of 2016.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner in case he defaults on three consecutive occasions.

(Dinesh Kumar Singh, J)

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