

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60896 of 2019

Arising Out of PS. Case No.-106 Year-2019 Thana- SONEPUR District- Saran

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Kishalay Kumar Srivastava @ Kishalay Kumar Son of Birendra Prasad
Resident of Village - Semariya, P.S. - Revilganj, District - Saran at Chapra
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Indiwari Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 01-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B) and 120(B)/34 of the
Indian Penal Code.

Sister of the informant died in unnatural
circumstances. The informant alleges that since husband of the
victim was not doing any job and the victim was putting
pressure to do some work, there was off-and-on quarrel.
Moreover, she was ill since last four months, hence, she was
being carried for treatment by her cousin brother and sister of
the husband, she was declared dead by the Doctor at the
Hospital. According to informant, he had no suspicion on any
one.

On the aforesaid statement, learned counsel for the



petitioner prays for bail.

Learned counsel for the informant submits that the police, after investigation of the case, submitted charge-sheet under Sections 304B and 120B of the Indian Penal Code against the petitioner also. Moreover, the father of the deceased has filed a complaint case vide Annexure-3 of the main petition alleging therein that death of the victim was caused for non-fulfillment of dowry demand and torture. Learned counsel further contends that the signature of the informant on the FIR was initially taken on blank sheet of paper.

The First Information Report reveals that the same is a fardbeyan recorded by the officer-in-charge of the police station at the Sadar Hospital, Emergency Ward, Hazipur.

Considering the disputed question of fact whether the FIR was statement of the informant or was creation of the police as well as considering the fact that there is no other material to substantiate any demand or torture by the petitioner, before death, prayer for bail is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in



connection with Sonepur Police Station Case No. 106 of 2019,
subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(Birendra Kumar, J)

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