

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9308 of 2020

Arising Out of PS. Case No.-244 Year-2019 Thana- DARAUNDA District- Siwan

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1. Bandhu Bhagat Son of Late Sribhagwan Bhagat Resident of Village - Usati, P.S.- Daraudha, Dist.- Siwan.
 2. Gita Devi Wife of Bandhu Bhagat Resident of Village - Usati, P.S.- Daraudha, Dist.- Siwan.
 3. Bhagwan lal Bhagat @ Shanker Kumar Son of Bandhu Bhagat Resident of Village - Usati, P.S.- Daraudha, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners being the father in-law and

brother in-law (respectively) of the daughter of the

informant are languishing in custody since 09.11.2019

in a case registered for the offences punishable under

Sections 304(B)/34 of the Indian Penal Code.



The prosecution case as per the written report of Rajkumar Bhagat submitted to the S.H.O., Daraunda Police Station, is to the effect that informant's daughter pooja Kumari was married to Mannu Kumar in May, 2018 but subsequent to the marriage, there was further dowry demand of cash and a gold chain. Somehow, the matter was pacified but subsequently the torture was again inflicted by the in-laws family members upon the daughter of the informant. On 8-9-2019, the informant came to know that his daughter has been killed by administering poison. Subsequently, the informant went to his daughter's in laws house and found that his daughter's dead body has been disposed of by the F.I.R named accused persons. When the informant enquired from the in-laws family members, they started assaulting the informant.

It is submitted by learned counsel for the petitioner that in fact, the victim committed suicide



and the dead body was cremated in presence of the informant. Admittedly, the informant came to know about the death on his daughter on 08.09.2019 when the written report was lodged on 02.11.2019 after almost two months of the victim's death. The thrust of acquisition is against the husband of the victim. The petitioners claim to live separate from the husband of the victim and the investigation has already been concluded.

Learned counsel for the state submits that within one year of marriage, the daughter of the informant has been killed and the dead body has been disposed of hurriedly. However, there is no explanation with regard to the delayed lodging of the case.

Considering the fact that daughter of the informant died within one year of marriage and there was demand of dowry also but since admittedly the informant came to know about the alleged occurrence on 08.09.2019 and went to the in-laws house on the



same day but there is no explanation for lodging the F.I.R. on 02.11.2019, thrust of accusation against the husband of the victim and investigation being concluded, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Daraunda P.S. Case No. 244 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten



thousands) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan, in connection with Daraunda P.S. Case No. 244 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Shageer/saif

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