

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12988 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

DHARMENDRA KUMAR BHARTI, Son of Late Bhagan Ram, Resident of
Village - Baddha, P.S.- Nuaon, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 03-03-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Sessions
Trial No. 288 of 2019(R/Gr. No. 1670 of 2019), arising out of
Ramgarh (Nuaon) P.S. Case No. 174 of 2019, disclosing offence
punishable under Sections 304-B of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

Petitioner is the husband of the deceased who died
within two years of the marriage of burn injuries. There is
allegation against the family members of the petitioner and the
petitioner also of having made demand for dowry. The deceased
died on 06.07.2019 whereas the FIR was registered on
23.07.2019. It is alleged in the FIR that the fact of death of the
deceased was not communicated to her family members and the



informant, who is brother of the deceased, was not knowing about his sister's death.

Learned counsel appearing on behalf of the petitioner has submitted that the deceased died in an accident while cooking food because of leakage of cooking gas. He has referred to the FIR to submit that the deceased was taken for treatment by the in-laws to Mohania hospital and thereafter to a hospital at Bhabua for better treatment and when the condition of the deceased was deteriorating, she was taken by her in-laws to Varanasi for treatment, where she died in course of treatment on 06.07.2019. He has submitted that had there been any intention to kill the deceased, the in-laws would not have taken so much of pains to take her from one hospital to other better hospitals for specialized treatment. He has also argued that it is highly improbable that on the one hand the in-laws would have taken the deceased for treatment to hospital, they would not have informed the family members of the deceased. He contends that, as a matter of fact, the family members of the deceased were knowing about the accident and her subsequent death but because of ulterior reasons the present FIR has been lodged.

On careful perusal of the FIR, I find substance in



submission made on behalf of the petitioner, as noted above.

The petitioner is in custody since 28.08.2019.

Considering the facts and circumstances, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional District and Sessions Judge-XIth, Kaimur at Bhabua, in Sessions Trial No. 288 of 2019(R/Gr. No. 1670 of 2019), arising out of Ramgarh (Nuaon) P.S. Case No. 174 of 2019.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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