

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16166 of 2020

Arising Out of PS. Case No.-256 Year-2019 Thana- KONCH District- Gaya

SINTU RAJAK Son of Daya Rajak Resident of Village- Ker, P.S.- Konch,
District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate Mr. Shailesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-07-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Konch P.S. Case No. 256 of 2019 registered for the offence punishable under Sections 304(B) and 201/34 of the Indian Penal Code.

The petitioner is the husband of the deceased. He is in custody since 10.12.2019. As per the case of the prosecution, as disclosed in the First Information Report, which is based on the written statement of the victim's father, the in-laws of the deceased used to make demand for dowry and nearly a month before the date of occurrence, demand of a sum of Rs.50,000/- was made. It has been mentioned in the First Information Report that in night of 20.08.2019, the informant had talked to the deceased, when the deceased had raised an apprehension that



she would be killed by her in-laws. Allegedly, on the subsequent date, i.e., on 21.08.2019, the informant received an information from the in-laws of the deceased that the informant's daughter had died. Allegedly, the dead body was cremated before the informant could reach the place of cremation.

Mr. Yogesh Chandra Verma, learned Senior Counsel appearing on behalf of the petitioner, has submitted that the case of the prosecution, as disclosed in the First Information Report, is not reliable for the reason that had the prosecution version been correct, the First Information Report should have been registered on the same day, i.e., on 21.08.2019, when the informant received the information about the death of the deceased. He has further submitted that there is nothing to disclose any overt act by the petitioner on the basis of materials collected in course of investigation in respect of his misbehavior with the deceased. Only on the basis that demand of dowry was being made and the deceased died unnatural death within seven years of marriage, the First Information Report has been registered for the offences punishable under Sections 304(B) and 201/34 of the Indian Penal Code. The petitioner is in custody since 10.12.2019. He has submitted that considering the nature of allegation made in the First Information Report, there



is no chance of the petitioner tampering with the evidence, if he is allowed regular bail. Charge sheet has already been submitted.

Considering the above submission and the facts and circumstances of the case, this application is allowed.

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 C.J.M., Gaya, in Konch P.S. Case No. 256 of 2019.

(Chakradhari Sharan Singh, J)

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