

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18278 of 2020

Arising Out of PS. Case No.-191 Year-2019 Thana- AMAS District- Gaya

BALJIT KUMAR Son of Kauleshwar Yadav Resident of Village - Masuriwar,
P.S.- Amas, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Ashok Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Amas P.S. Case No. 191 of 2019, registered for the offence punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

The case of the prosecution is regarding the marriage of the deceased lady, namely, Sonam Kumari being solemnized with the petitioner herein in the year 2018, whereafter demand for dowry was being made by the accused persons including the petitioner herein and on 12.10.2019 at about 6 pm., the



informant received information that his sister, Soman Kumari, had died and her dead body has also been cremated by her husband and in-laws. It is further submitted by the informant that the accused persons including the petitioner herein have murdered his pregnant sister on account of non-fulfillment of the demand of motorcycle by way of dowry.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is languishing in custody since 4.11.2019 and he is having a clean antecedent. It is further submitted that the co-accused person, namely, Sumitra Devi @ Urmila Devi, who is the mother-in-law of the deceased victim lady, has already been granted bail by a coordinate Bench of this Court vide order dated 26.2.2020 passed in Criminal Miscellaneous No. 2358 of 2020.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, this Court finds that the petitioner is the husband of the deceased victim lady and has been alleged to have killed his wife on account of non-fulfillment of the demand



for dowry, hence, his case is different from the case of the mother-in-law of the deceased victim lady. This Court is also of the view that the petitioner herein, being the husband of the deceased victim lady, was / is under moral and legal obligation for the maintenance, well-being and safety of his wife which, in the present case, prima facie does not appear to have been discharged by the petitioner herein, hence, I do not find any merit in the prayer of the petitioner for grant of regular bail especially in view of the heinous nature of offence alleged to have been committed by him, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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