

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21274 of 2020

Arising Out of PS. Case No.-819 Year-2019 Thana- SASARAM NAGAR District- Rohtas

NIRAJ @ NIRAJ KASHYAP Son of Late Shakar Prasad @ Shanker Seth
Resident of Village - Karan Sarai, P.S.- Sasaram Town, Distt.- Rohtas, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 04-11-2020 Heard Mr. Ravi Shankar Sahay, learned counsel for
the petitioner and Mr. Akshay Lal Pandit, learned counsel
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Sasaram (T) P.S. Case No. 819 of 2019 registered for the
offence under Section 304B / 34 of the I.P.C.

The allegation against the petitioner as per the First
Information Report is that the daughter of the informant was
married to the petitioner about 09 years back and she had 02
children out of the wed lock. It has been alleged that the accused
persons including the petitioner started demanding Rs. 5 Lakhs
as dowry and due to non fulfillment of the same, she was
assaulted by the accused persons on 22.08.2019 and the victim
was admitted in the clinic of Dr. Chitranjan and further



Shubham Hospital, Varanasi where she died on 28.08.2019.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and from perusal of the First Information Report it would be evident that marriage was solemnized about 09 years back and out of the wed lock 02 children had born as such the submission is no offence under Section 304(B) of the I.P.C. is made out against the petitioner. Learned counsel further submits that the deceased fell down from stairs due to which she sustained injuries on chin, head and neck and was admitted in the hospital where she died on 28.08.2019 and was cremated on the very next day on 29.08.2019 in which the informant and other family members of the deceased also participated. Learned counsel further submits that the shradh ceremony of the deceased was completed on 11.09.2019 but the present F.I.R. has been lodged with pre- meditated mind on 14.09.2019 i.e. after the delay of 17 days from the date of death of the victim. Learned counsel further submits that on the basis of injuries sustained on the body of the deceased the doctor who conducted post mortem was not in a position to give his opinion regarding the cause of death and the viscera was preserved for its chemical analysis.

On the other hand, learned counsel for the State



referring to the case diary submits that the mother of the victim has stated that the daughter of the informant was being tortured earlier also and in the year 2018 an F.I.R. was lodged and the daughter of the informant had also sustained injuries.

This court vide order dated 02.07.2020 had called for the viscera report which has been furnished in a sealed cover by the Director Incharge, Forensic Science Laboratory, Bihar, Patna and from perusal of the same it is evident that no metallic, alkaloidal, glycosidal, pesticidal or volatile poison has been detected. The viscera report was placed in a sealed cover before this court which was opened after breaking the seal and the Office is directed to re-seal the same and return it to the concerned authority as early as possible.

After having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that charge sheet has already been submitted in this case and the petitioner is in custody since 16.11.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Sasaram, Rohtas / court concerned



in connection with Sasaram (T) P.S. Case No. 819 of 2019
subject to the condition that :-

*(i) that the petitioner shall remain
present on each and every date during the
course of trial and in case of default on two
consecutive dates on the part of the
petitioner, his bail bond shall be liable to be
cancelled.*

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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