

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84777 of 2019**

Arising Out of PS. Case No.-846 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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GUNJAN AGRAWAL S/O Late Vishnu Agrawal R/O Lalbazar, P.S.- Bettiah
Town, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Informant	:	Mr. Yugal Kishore, Advocate
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 01-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner in the present case is seeking regular
bail in connection with Bettiah Town P.S. Case No. 846 of 2019
registered for the offences punishable under Sections 304B, 328
and 34 of Indian Penal Code.

Learned counsel for the petitioner submits that
initially the case was registered under Section 304B and 328/34
of the Indian Penal Code but after investigation police has



submitted a charge-sheet under Section 306/34 of the Indian Penal Code. It is submitted that the marriage between the petitioner and deceased had taken place about 5 years back and prior to the alleged occurrence at no point of time the wife of the petitioner had made any allegation against the petitioner of causing any torture upon her.

It is submitted that admittedly at the time of the alleged occurrence the sister of the deceased was living with her but in course of investigation her statement has not been recorded by police. Father of the deceased has made his statement which has been recorded in paragraph '19' of the case diary. He has stated that he got the information of death of his daughter through mobile and on such information he reached hospital where his daughter had already died. The father has also stated that his wife had information about quarrel between his daughter and his son-in-law but his wife had not informed these things to him earlier.

Learned counsel submits that at the time of alleged occurrence this petitioner was at his shop and the post mortem report does not disclose any external injury mark on the deceased body.

Learned APP as well as learned counsel for the



informant have opposed the prayer for regular bail of the petitioner. It is submitted that the deceased was poisoned and this petitioner being her husband does not deserve privilege of regular bail.

Learned APP has gone through the case diary and it is not disputed that in paragraph '19' father of the deceased has admitted that his another daughter Shakini Agarwal was also residing with the deceased and further that he had not been informed about earlier quarrel between his daughter and son-in-law. His daughter Shakini Agarwal who was an important witness has not come forward to make statement in course of investigation. Police has already completed investigation and a charge-sheet under Section 306/34 of IPC has been filed in this case, there is no argument on behalf of the State that release of the petitioner at this stage is any way likely to interfere with the course of trial or may influence the witnesses, the petitioner has remained in custody over 6 months, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 846 of 2019, subject to the conditions as laid down under Section



437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

