

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14639 of 2021**

Arising Out of PS. Case No.-54 Year-2020 Thana- BARACHATTI District- Gaya

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LALLAN KUMAR S/O RAJESH YADAV R/O VILLAGE-KAHUDAG P.S-
BARACHATTI DISTRICT GAYA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
	:	Mr. Priya Ranjan, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 10-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Y.C. Verma, learned senior counsel assisted by Mr. Priya Ranjan, learned counsel for the petitioner and Mr. Syed Ehteshamuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Barachatti P.S. Case No. 54 of 2020 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code. He is in custody since 01.02.2020.

As per the prosecution story the marriage between the petitioner and the daughter of the informant was solemnized in the year 2015. After one year of marriage *gauna* was performed. The allegation is that the petitioner and his parents were demanding a

Hero Splendor Motorcycle as dowry which was not fulfilled as the informant was not having that much money. He was agreeable to give motorcycle of lesser value. The informant further alleged that he had given Hero Splendor Pro Motorcycle to his son-in-law but even thereafter his daughter was being tortured and she was being assaulted by the accused persons.

Learned senior counsel submits that in this case the informant admits in the F.I.R. that while he was on his way to the place of occurrence, his son-in-law (the petitioner) had given him a phone call and informed that his daughter has committed suicide by hanging herself. He claims accordingly in the F.I.R.

Learned senior counsel submits that the post-mortem report of the deceased shows only ligature mark around her neck, no ante-mortem injury has been found, therefore the allegation that she was being assaulted is not getting substantiated from the report. It is submitted that the daughter of the informant hanged herself and that is the cause of death. No independent witness has come to say that there was any demand of dowry by the petitioner.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but after going through the case diary, learned A.P.P. informs that there is only one injury i.e. ligature mark around the neck and the death is a result of asphyxia caused by hanging. No other injury is there on the body of the deceased.

Considering the facts and circumstances of the case mentioned hereinabove in which the petitioner is said to have informed his father-in-law (the informant) about the death of the deceased by hanging and the same is the cause of death, there is no other injury on her body and the petitioner has remained in jail for one year seven months approximately but the trial is not likely to be concluded in near future, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya in connection with Barachatti P.S. Case No. 54 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.