

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26269 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- RAJGIR District- Nalanda

Upin Rajbanshi Son of Raj Kumar Rajbanshi Resident Of Village- Jhalar,
P.S.- Rajgir, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vishwa Mohan Kumar Sinha
For the Opposite Party/s	:	Mr.Anita Kumari,APP
For the informant	:	Mr. Sanjay Prasad

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 09-12-2021 The applicant/accused in Crime No. 246 of 2020 registered with Rajgir Police Station for the offence punishable under sections 304B read with Section 34 of the Indian Penal Code as well as 3/4 of the Dowry Prohibition Act, by this application is seeking his release on bail after filing of the charge-sheet.

Heard learned counsel appearing for the applicant/accused. Also heard the learned APP as well as the learned counsel for the informant. They argued that on the basis of confessional statement of the applicant, a rope was recovered and the report of post-mortem examination shows that the deceased died because of asphyxia caused by strangulation. It is further argued that the case diary reveals they used to be



demand of dowry.

I have considered the submission so advance and also perused the FIR and the case diary.

For making out the offence punishable under section 304B of the Indian Penal Code, the prosecution is obliged to prove that death of married women is caused by burns, bodily injury or otherwise than in normal circumstances. Such death is required to be shown to have occurred within seven years of marriage. It is also required to be shown that soon before her death, such a married women was subjected to cruelty or harassment by her husband or in laws.

In the case in hand, the first informant who happens to be father of deceased Punam Devi alleged that Punam Devi married the applicant in March, 2018 and she died unnatural death on 13.8.2020. It is further averred that they used to be demand of Rs. 2 lakhs towards dowry and because of non-fulfillment of such demand, the deceased was subjected to cruelty by the applicant and other co-accused.

The investigation of the crime in question is already over. It is not pointed out that if release on bail, the applicant would not be available for trial. He is already undergoing pre-trial detention. On completion of investigation, the same is not



warranted. Therefore, the order.

The application is allowed.

The applicant/accused in Crime No. 246 of 2020 registered with Rajgir Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) on furnishing sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should not repeat the trial in expeditious disposal of the trial against him.

(III) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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