

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25611 of 2021

Arising Out of PS. Case No.-11 Year-2019 Thana- KALYANPUR District- East Champaran

Dinesh Das, Son of Jay Narayan Das, Resident of Village - Barharwa-
Mahanand, P.S.- Kalyanpur, Distt.- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the State : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 15.09.2020 seeks
bail in connection with Kalyanpur P.S. Case No.11 of 2019
registered for offence punishable under Sections 304(B)/34 of
the Indian Penal Code.

Prosecution case in brief, is that on written application
of informant Ram Surat Das, that the petitioner in connivance
with other accused persons assaulted the informant's grand
daughter and strangled her to death.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and states that he has made



specific statement in paragraph no.7 that the deceased was having extra marital relationship with his brother-in-law and the same fact has come to his notice that the deceased committed suicide. The said fact is also corroborated with the postmortem report (Annexure-2), in which doctor has found cause of death is due asphyxia due to hanging and as such the petitioner has falsely been implicated in the present case, deserves to be enlarged on bail.

Learned counsel appearing on behalf of the State submits that from perusal of the case diary, it has come in course of investigation that some independent witnesses has also supported the case of the petitioner that she was having affair with her brother-in-law and due to which she committed suicide.

Considering the facts and circumstances of the case, allegations made in the FIR and specific statement of the petitioner made in paragraph no.7 which has been supported by independent witness that the deceased was having extra marital relationship with her brother-in-law and as the said relationship was known to her husband, the present petitioner, she committed suicide, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate,
IXth, East Champaran at Motihari in connection with Kalyanpur
P.S. Case No.11 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the court
concerned.

(2) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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