

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26758 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- RAJPUR District- Buxar

SUNIL RAJBHAR SON OF VIRENDRA RAJBHAR Resident of Village-
Rajpur, P.S.- Rajpur, District- Buxar.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Arun Kumar Gupta, Advocate.
For the State : Mr. Jitendra Kumar Singh, A.P.P.

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

3 10-12-2021 The applicant/accused in Crime No.72 of 2020 registered with Police Station-Rajpur for the offence punishable under Section 304(B) read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge-sheet.

The applicant is undergoing pretrial detention from 05.07.2020.

Heard learned counsel appearing for the applicant/accused. He submits that in the entire charge-sheet there is no whisper of demand of dowry and ill treatment on account of non-payment of dowry.

Learned Additional Public Prosecutor opposed the application by contending that it is a case of dowry death.

I have perused the F.I.R. lodged by Tuntun Rajbhar-



mother of the deceased so also statements of Vijay Rajbhar, Sanjay Singh etc. found in the case diary.

According to the prosecution case, Sandhya Kumari married the applicant in the year 2014 and she had begotten three children out of this wedlock. According to the prosecution case, Sandhya Kumari was subjected to harassment by her husband and in-laws and they were beating her. She was staying in her parental house and had joined the company of her husband 15 days prior to the incident. She died because of burn injuries.

Neither the witnesses nor the first informant are stating about demand of dowry. They are simply stating that deceased was subjected to ill treatment. The investigation of the crime in question is already over. Hence, further pretrial detention of the applicant is not warranted and, therefore, the order:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.72 of 2020 registered with Police Station-Rajpur for the offence punishable under Section 304(B) read with Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following



conditions:

- (I). The applicant should not extend any threat, promise or 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 should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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