

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35814 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- POTHIYA District- Kishanganj

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FIRDOSH @ FIRDESH son of Aarif Resident of Village- Babhangaon, P.S.-
Pothia, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-01-2021 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Pothia P.S. Case No. 17 of 2020, disclosing offences punishable under Sections 304B/120B/34 of the Indian Penal Code.

The petitioner is the husband of the deceased, who is in custody since 17.03.2020. According to the prosecution's case as disclosed in the First Information Report, the informant's daughter was married to the petitioner nearly 11 months before the date of occurrence. There is allegation of demand of dowry and torture meted out to the deceased for non-fulfillment of the said demand. It is also alleged that earlier, certain dispute between the deceased and the in-laws was resolved amicably between them. Allegedly, the in-laws killed



the deceased by strangulation and poisoning.

Learned counsel appearing on behalf of the petitioner has submitted that there is no specific allegation of demand of dowry against the in-laws, which is general in nature. He has further submitted that the post mortem report suggests death by poisoning and no external injury has been found. According to him, the deceased committed suicide and the demand of dowry is not the reason behind commission of the suicide by the deceased.

Be that as it may, considering the circumstance that charge-sheet has been submitted, petitioner has remained in custody since 17.03.2020 and the case of the prosecution is based on rebuttable presumption of dowry death, this application is allowed.

Let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Kishanganj in Pothia P.S. Case No. 17 of 2020.

(Chakradhari Sharan Singh, J)

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