

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36296 of 2020**

Arising Out of PS. Case No.-172 Year-2019 Thana- BANIAPUR District- Saran

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ARUN KUMAR @ ARUN KUMAR RAY son of Kopil Ray @ Kapildeo Ray
Resident of Village- Khabsi, Police Station- Baniyapur, District- Saran
(Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.

Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 02-09-2021 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 learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Baniyapur P.S. Case No.172 of 2019 registered

for the offences punishable under Sections 304(B) and 201/34 of

the Indian Penal Code.

As per the prosecution story, the marriage between the

daughter of the informant and the petitioner had been

solemnized about 7 years ago. Initially, few years the

relationship were very cordial but thereafter the sasural people started demanding dowry and for non-fulfillment thereof the daughter of the informant was being tortured. The informant came to know on 07.06.2019 that his daughter has been burnt to death and thereafter her dead body has been cremated.

Learned counsel for the petitioner submits that from the First Information Report itself it is apparent that the marriage has taken place about 7 years ago and relationship between the wife and husband were cordial, therefore, it is highly improbable that at later stage the demand of dowry may be made.

It is his further submission that in course of investigation save and except the own family members of the informant no other independent witness has supported the prosecution story. The local Mukhiya and other co-villagers have stated that wife of the petitioner died due to burn injury which she suffered due to burst of the gas cylinder, however, one mistake which was committed by the petitioner's side that her dead body was cremated without postmortem.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner. He has taken this Court through the case diary. In paragraph '6' and '7' of the case

diary the statement of the brother of the deceased has been recorded who has supported the prosecution case, however, from paragraph '14' onwards a large number of villagers and the Mukhiya have stated that they heard about the death of the wife of the petitioner because of burn suffered from burst of the gas cylinder.

Considering the facts and circumstances of the case, the materials which have been collected in course of investigation as noticed hereinabove and further that the petitioner has remained in jail for more than two years, however, the Court has been informed that the trial is not likely to be concluded in near future, this Court directs that the petitioner above named be released 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 Additional Chief Judicial Magistrate-XI, Chapra, District-Saran in connection with Baniyapur P.S. Case No.172 of 2019, 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'.