

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 36573 of 2020**

Arising Out of PS. Case No.-219 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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TRIMETRAM KUMAR @ TITU @ TRIMATRUM KUMAR S/o Munsilal
@ Munshilal Rai R/o Village- Jitwarpur Chouth, Farpura, Ward No.13, P.S.-
Samastipur (Muffasil), Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Bimlesh Kumar Pandey
For the S t a t e	:	Ms Meena Singh, APP
For the I n f o r m a n t	:	Mr Mahendra Pratap, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 20-02-2021 Heard learned counsel for the petitioner, informant
and the learned APP for the State.

The petitioner seeks bail in Samastipur (Mufassil)
Police Station (for brevity, *PS*) Case No 219 of 2020 instituted
for the offence punishable under Sections 302/34 of Indian
Penal Code and Sections 3/4 of Dowry Prohibition Act.

The case of the informant (father) is that the victim
was being subjected to physical and mental torture for non-
fulfillment of demand for dowry. The son-in-law has
telephonically informed regarding admission of informant's
daughter in the Hospital with burn injuries. There is allegation
that the grand daughter and grand son have stated that the victim



has been burnt by pouring kerosene oil by her husband, husband's parents and brothers.

Learned counsel for the petitioner has submitted that even as per prosecution case, the informant received intimation regarding his daughter receiving burn injuries from his son-in-law (petitioner). He is in custody since 26.05.2020. The marriage of the victim with the petitioner took place even as per first information report, more than seven years before the alleged occurrence. There is allegation that the victim's son had made video recording of the occurrence, but no such video clip has emerged in the course of investigation. The specific amount of dowry has also not been mentioned in the investigation, independent witnesses have stated that the victim committed suicide over trivial family dispute and that the door of the room, where the victim sustained burn injuries, was broken open from outside. The victim had suffered 90% burn injuries and, therefore, allegation that she had given an intimation to the informant regarding the incident, after suffering 90% burn injuries, is highly improbable.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on



his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Samastipur in Samastipur (Mufassil) PS Case No 219 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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