

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38905 of 2020**

Arising Out of PS. Case No.-223 Year-2020 Thana- CHANDI District- Nalanda

ANJANI KUMAR @ MANISH KUMAR Son of Prem Prasad @ Prem Kumar Resident of Village - Laxmi Bigha, P.S.- Chandi, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr.A.H. Sahara, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 20-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. A.H. Sahara, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Chandi P.S. Case No. 223 of 2020 registered for the offences punishable under Section 328, 304(B), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the marriage between the petitioner and victim lady had taken place in the year 2016. They had initially maintained good relationship and out of their wedlock two children were born who are aged about two years and one years respectively. Learned counsel



further submits that in the later part of the FIR allegation has come that after about three years the sister of the informant was being tortured for non-fulfillment of the demand of dowry. The accused persons were demanding one motorcycle and one colour television.

It is the submission of learned counsel for the petitioner that the allegation of demand of dowry is wholly false, concocted and baseless. In course of investigation no witness has said that because of demand of dowry and non-fulfillment thereof the sister of the informant was being tortured. In fact, the witnesses have stated that wife and husband had been quarreling on some trivial issues and because of that dispute the wife of the petitioner has consumed poison. The post-mortem report does not show any external injury on the body of the deceased.

Learned APP for the State has gone through the case diary. He has read out the statement made in paragraph-10 and paragraph-11 where the independent witnesses have alleged that the wife and husband had initially been living peacefully but after few years they have been indulging in quarrel on some trivial issues and in this connection the parents of the victim had also come and tried to convince them, later on, the victim consumed poison. Learned APP confirms that the post-mortem report does not show any external injury on her body.

Considering the facts and circumstances of the case wherein the witnesses are not supporting the allegation of demand of



dowry or torture for non-fulfillment thereof, the witnesses have stated that both of them had quarreled on trivial issues and for that reason the victim consumed poison, the petitioner has got two children aged about two years and one years respectively who need care and attention at this age particularly after death of their mother, the petitioner has remained in jail for over one year, the investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Hilsa, Nalanda in connection with Chandi P.S. Case No. 223 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SONALI/-

U			
---	--	--	--

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'.

