

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4089 of 2021

Arising Out of PS. Case No.-26 Year-2020 Thana- BHAGWANGANJ District- Patna

DHARMENDRA DAS S/o Late Dhuri Das R/o Village- Basour Chakia, P.S.-
Bhagwanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Opposite Party/s : Mr. Murlidhar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-06-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioner seeks regular bail in connection with
Bhagwanganj Police Station Case No. 26 of 2020, registered for
the offence punishable under Sections 304-B/201/34 of the
Indian Penal Code.

The prosecution story, as per the First Information
Report, is that the daughter of the informant (now deceased)
was married to the petitioner in the year 2017 and after the
marriage, the accused persons, including the petitioner, started
demanding a sum of Rs. 1,00,000/- and gold ornaments, as
dowry, and due to non-fulfillment of the said demand, the
petitioner and others have killed the deceased by pressing her



neck and disposed her dead body clandestinely.

Learned Counsel for the petitioner submits that the petitioner is the husband of the deceased. He further submits that the petitioner has not committed any offence in the manner alleged and referring to Annexure-2 series, he submits that the deceased was suffering from Tuberculosis and other diseases and from perusal of the reports, it would be evident that she was having a low hemoglobin count and was under treatment for the Tuberculosis and other deficiencies. He next submits that on the fateful day, the deceased was not feeling well and was being taken to the hospital by the petitioner and other family members and on way, the deceased died. He, referring to paragraphs 7, 8 and 9 of the case diary, submits that independent witnesses have stated, in course of investigation, that the deceased was being taken to hospital by the petitioner and on way, the deceased died due to illness. He, referring to Annexure-3, submits that a certificate has been issued by the Mukhiya of the Gram Panchayat stating therein that the deceased was suffering from Tuberculosis for the last two years. He further submits that Annexure-3 further goes to show that after the death of the deceased, the petitioner and his family members waited for the informant side for about 12 hours for cremation of the dead



body, but nobody turned from the side of the informant. He next submits that the petitioner is in custody since 18.02.2020 and charge sheet has been submitted in this case and as such there is no likelihood of the petitioner being abscond or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record, the justification given by the petitioner, at Annexure-2 series and the fact that the petitioner is in custody since 18.02.2020 and charge sheet has been submitted in this case, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Masaurhi, Patna, in connection with Bhagwanganj Police Station Case No. 26 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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