

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40701 of 2020**

Arising Out of PS. Case No.-598 Year-2019 Thana- KISHANGANJ District- Kishanganj

Pawan Kumar Singh @ Pawan Singh Son of Mukeshwar Singh @
Makeshwar Singh Resident of Village - Dumaria Bhatta, Ward No. 29, P.S. -
Kishanganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 24-02-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Kishanganj P.S. Case No.
598 of 2019 registered for the offence under Sections 304(B)
and 120(B) of the Indian Penal Code.

As per the prosecution case, the sister of the informant
solemnised love marriage with this petitioner, who worked in
Gujarat. It is further alleged that on 19.02.2019 at about 1:30
PM, the petitioner from Gujarat informed the informant on
mobile that his sister has committed suicide by hanging. It is
also alleged in the FIR that two devar (younger brother of
husband) of informant's sister were present at home and
committed the murder of deceased.

It is submitted on behalf of petitioner that from
perusal of FIR, it is apparent that there is no allegation against



this petitioner, since he was in Gujarat at the time of occurrence and he was not named in the FIR. It is further submitted that there is no allegation of demand of dowry against this petitioner. From perusal of *post-mortem* report, it is apparent that the deceased died due to Asphyxia as a result of hanging and the doctor has not found any external or internal injury on the dead-body of deceased. It is submitted that co-accused Kundan Kumar Singh and Nandan Kumar Singh (Devars of informant's sister) have already been granted bail by the learned court below itself, vide order dated 05.02.2020. Petitioner is in custody since 07.08.2020. Chargesheet has already been submitted.

Considering the fact that petitioner is neither named in the FIR nor there is any allegation against him of demand of dowry and he is in custody since 07.08.2020, the bail application of petitioner is allowed. Let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 598 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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