

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6571 of 2021

Arising Out of PS. Case No.-361 Year-2019 Thana- DEEPNAGAR District- Nalanda

Kundan Kumar @ Kundan Ashish Son of Sri Ramashish Yadav, Resident of
Mohalla- Shahadara, P.S.- Malsalami, Patna City, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 16-04-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Deepnagar P.S. Case No. 361 of 2019, registered for the offence under Section 304(B)/34 of the Indian Penal Code.

As per the prosecution case, daughter of the informant was married with petitioner in the year 2011 and it is alleged that after the marriage, the petitioner alongwith his all family members started demanding Rupees four lacs for 4-wheeler, as dowry, and due to non-fulfillment of the same, all the accused persons used to torture and commit cruelty with the daughter of informant. It is further alleged that on 08.12.2019, the petitioner alongwith daughter of the informant (deceased) came to the house of informant and in the night, the petitioner administered



poison to informant's daughter and left the house without informing anybody and on the next morning, the informant saw his daughter abnormal, brought her to Sadar Hospital, where the doctor declared her dead.

It is submitted on behalf of the petitioner that deceased has died at her parental house. In fact, due to some family fued, she committed suicide at her parental house. The police, after investigation, has submitted chargesheet under Section 306 of the Indian Penal Code. It is further submitted that the cause of death could not be ascertained and viscera has been kept reserved by the doctor. Petitioner is in custody since 22.06.2020.

However, learned A.P.P. for the State opposed the bail application and submitted that petitioner is husband of the deceased and there is specific allegation against him of committing the murder of the deceased by poisoning her.

Considering the aforesaid facts & circumstances and the fact that chargesheet has been submitted under Section 306 of the Indian Penal Code and victim had died at her parental house, the bail application of petitioner is allowed. Let the above named petitioner be released 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, Nalanda, Bihar Sharif in connection with Deepnagar
P.S. Case No. 361 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 below and shall remain physically present, as directed by the court below, 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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