

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4062 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- PAUTHU District- Aurangabad

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Omkar Kumar, S/O Hare Krishna Prasad, R/o village- Alpa, P.S.- Pauthu,
District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 15-11-2022 Learned counsel for the petitioner submits that due to typographical error in the prayer portion of the petition, in place Pauthu P.S. Case No. 2 of 2021, Pauthu P.S. Case No. 2 of 202 has been typed and he seeks permission to correct the same in course of the day.

Permission is granted for the aforesaid correction.

Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Pauthu P.S. Case No. 02 of 2021 registered for the alleged offences under Sections 304B and 34 of the Indian Penal Code.



As per prosecution case, the petitioner is the husband of the deceased daughter of the informant and the allegation against him is that he along with his family members have been demanding dowry of Rs. 2,00,000/- and used to torture the daughter of the informant and treat her with cruelty. The petitioner and other co-accused persons assaulted and killed the daughter of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case with intention to extort money from the family of the petitioner. The daughter of the informant died a natural death and the petitioner and his family members took all possible steps to save her life. The daughter of the informant died due to heart attack or cold-stroke and for this reason the post-mortem report does not show any apparent cause of death of the daughter of the informant. Viscera was preserved and sent for chemical examination and its report has also been received which does not show presences of any Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison resulting out death of the daughter of the informant by any poison. Learned counsel further submits that the informant has been examined before the learned trial court and he has specifically stated that he filed this case at the



instigation of the villagers and feigned ignorance as to the reason of the death of his daughter. Learned counsel further submits that it is not believable that when the couple has been blessed with three children and after passage of seven years any dowry demand would be made. Due to illness of his wife, the petitioner accompanied her and she was taken to hospital and the petitioner informed her parents regarding illness of the deceased. The petitioner is in custody since 06.01.2021 and the prosecution evidence is being recorded before the learned trial court.

Learned APP opposes the submission made on behalf of the petitioner. However, he concedes that no apparent cause of death has been shown in the post-mortem report and viscera report also does not show presence of any poisonous substance in the body of the deceased.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no substantive material against the petitioner to connect him with the offence as alleged and doubt over the cause of death, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Aurangabad in connection with Pauthu P.S. Case No. 2 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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