

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10337 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- KURTHA District- Jehanabad

Nagendra Ram Son of Karu Ram Resident of Village- Nasirna, P.S.- Kurtha,
District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

8 20-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Kurth (Manikpur) P.S. Case No. 21 of 2021 registered for the alleged offences under Sections 304(B), 201 and 34 of the Indian Penal Code.

As per prosecution case, the sister of the informant was married to the petitioner and allegation against the petitioner and other co-accused persons is that they used to demand Rs. 2 lacs in dowry. When this demand was not fulfilled, they started torturing and treating the sister of the informant with cruelty and lastly the informant came to know that his sister was killed within seven years of her marriage and her deadbody was burnt.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The wife of the petitioner died as she committed suicide. The informant and his family members joined the petitioner and his family in cremation of the sister of the informant. But the informant and his family members were insisting on the registration of the land in favour of the son and the daughter of the petitioner and the deceased and when the petitioner refused to do so he was falsely implicated in this case along with his family members. Learned counsel further submits that in fact the marriage was solemnized in year 2013 and only in order to bring the case under the ambit of dowry death, the informant, without giving any exact date, has stated about the marriage taking place within six years. No informatory/complaint was filed for demand of Rs. 2 lacs by the petitioner or his family members. Learned counsel for the petitioner further submits that petitioner was not getting regular job and for this reason also heated discussion used to take place between the deceased and the petitioner and she committed suicide. The charge-sheet has been submitted under Section 306/201 and 34 of I.P.C. The petitioner is in custody since 04.03.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is husband and there is allegation of causing



dowry death of his wife.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact of submission of charge-sheet under Section 306/201 and 34 I.P.C. and also considering period of custody of the petitioner, he 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 Chief Judicial Magistrate, Arwal in connection with Kurth (Manikpur) P.S. Case No. 21 of 2021, subject to 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 for 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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