

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9433 of 2022

Arising Out of PS. Case No.-615 Year-2019 Thana- AMARPUR District- Banka

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Dharmendra Das, S/O Chuha Das, R/o village- Gorgawan, P.S.- Amarpur,
Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Anita Kumari Singh, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Amarpur P.S. Case No. 615 of 2019 registered for the alleged offences under Sections 341, 328, 304B, 201, 328 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 another co-accused persons is that they administered poison to the sister of the informant and killed her and made the dead body disappear.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. From the



FIR, it is clear that there is no allegation of torturing of the deceased sister of the informant with cruelty. There was no motive for killing the sister of the informant. The witnesses who were examined during investigation by the police has stated that the deceased herself consumed poison due to some dispute between the petitioner and the deceased. The informant coming to realize the true facts, gave a written application on oath that her sister died during her treatment under Dr. Vinay Kr. Tiwari. It is also apparent that there is no specific allegation against this petitioner rather the allegations are general and omnibus. Other co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.06.2021 passed in Cr. Misc No. 39101 of 2020. The petitioner is in custody since 19.08.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the sister of the informant died in her matrimonial home.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioner to connect him with the offence as alleged and further considering the period of custody of the petitioner as well as submission of



charge-sheet against him, 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 Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 615 of 2019, 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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