

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20845 of 2021

Arising Out of PS. Case No.-136 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

Ajeet Pandey, S/O Late Ram Narayan Pandey ,R/O Village-Madhapur
Turkaha, P.S.-Mahammadpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 31-01-2022 The applicant/accused in Crime No. 136 of 2019 registered with Mahammadpur Police Station for the offences punishable under Section 304(B) r/w Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that on earlier occasion, this Court vide order dated 04.02.2020 passed in Criminal Misc. No. 6552 of 2020 had directed the trial court to expedite the trial and conclude the same within a period of nine months. However despite lapse of years thereafter, the trial is not concluded and therefore the applicant is entitled for bail. It is further argued that the marriage had taken place seven years prior to the incident and therefore Section 304(B) of the Indian



Penal Code is not applicable to the case in hand.

The learned Additional Public Prosecutor opposed the application by contending that there are specific allegations against the applicant who happens to be the husband of the deceased and earlier bail application of the applicant was rejected.

I have considered the submissions so advanced and also perused the material placed before me.

The applicant is the husband of the daughter of first informant Pantan Pandey. Date of marriage is not mentioned in the FIR. However it is averred that the marriage took place in the year 2012 and unnatural death of the deceased took place on 04.08.2019. In such situation, applicability of Section 304(B) of the Indian Penal Code would be decided at the trial on the basis of evidence on record. The first informant alleged that his daughter was subjected to harassment on account of demand of dowry. What was the dowry and what was the mode of harassment and further details thereof are not stated in the FIR. In that regards, the allegations are general in nature.

On earlier occasion, this Court had directed the trial court to expedite the trial and conclude it within a period of nine months. The applicant is reportedly undergone pretrial



detention from 05.08.2019 and despite the earlier order dated 04.02.2020 trial of the applicant is not yet over. The offence is not exclusively punishable with the life imprisonment.

In this view of the matter, I see no reason to refuse the bail to the applicant who has already undergone pretrial detention from 05.08.2019, particularly when the charge sheet is already filed in the matter. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 136 of 2019 registered with Mahammadpur Police Station for the offences punishable under Section 304(B) r/w Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact



the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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