

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23129 of 2021

Arising Out of PS. Case No.-115 Year-2013 Thana- TARAIIYA District- Saran

Deo Narayan Bind, S/o Awadhesh Bind, Resident of Village- Fenhara, P.S.-
Taraiya, Dist- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Kumari Kunwar, W/o Panchhilal Mahto, R/o Vill- Pakahan, P.S.-
Marhowrah, Distt- Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP
For the Informant	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

15 11-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Radha Mohan Singh, learned counsel for
the petitioner, Mr. Sunil Kumar, learned counsel for the
informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Taraiya P.S. Case No. 115 of 2013 registered
for the offences punishable under Sections 304B/34 of the
Indian Penal Code.

As per prosecution case, it is alleged that the marriage
of the daughter of the informant was solemnized with the



petitioner two years ago. After the marriage, the deceased was subjected to torture, due to non-fulfillment of demand of dowry. On 18.07.2013, the informant received an information that her daughter (deceased) was done to death by the accused persons by strangulation.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is general and omnibus nature of allegation and the petitioner being the husband of the deceased is in custody since 15.09.2020, though the death has occurred due to heart attack. It is next submitted that there is no eye witness to support the prosecution case and moreover the post-mortem report clearly suggests no mark of violence and hence the Viscera report was called for from the Forensic Science Laboratory. It is also submitted that now the informant and her family members on being realized that the petitioner is innocent and on account of some mistaken belief the present case has been instituted and, as such, they do not want to proceed any further in the matter.

On the other hand, learned counsel for the informant does not confront the submissions made on behalf of learned counsel for the petitioner and acknowledged the fact that both the parties have entered into a compromise.



Learned APP for the State submits that the petitioner happens to be the husband of the deceased and the specific allegation has been levelled against him.

Having considered the submissions made on behalf of the parties and taking into consideration the Viscera report, which was called for by this Court and from going through the report, it suggests that the cause of death is cardiac failure and moreover this petitioner is in custody since 15.09.2020, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Taraiya P.S. Case No. 115 of 2013, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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