

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13980 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- PATEPUR District- Vaishali

Dharmendra Thakur, Son of Raghunath Thakur Resident of Village - Mahiya
Malpur, P.S.- Patepur, Distt.- Hajipur at Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the State : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-08-2022 Heard Mr. Bijay Bhushan Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Mohammad
Sufyan, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Patepur P.S. Case No. 82 of 2021, for the offence punishable un-
der Sections 304(b) and 201 of the Indian Penal Code and Sec-
tion 3/4 of Dowry Prohibition Act.

The prosecution case, in brief, is that due to non-
fulfillment of demand of Rs. Two Lakhs, the accused persons
named in the F.I.R poured kerosene oil on the body of the
deceased, who is daughter of informant, and lit fire which laid
to her death at P.M.C.H. on 05.01.2021. The specific allegation
has been made in the F.I.R. by the informant that the accused
persons, without taking consent of the Doctor and without



waiting for the postmortem had taken away the dead body of the deceased while the informant had gone to bring money for treatment.

Learned counsel appearing on behalf of the petitioner submits that no material has come in course of investigation rather the petitioner along with his entire family members had taken the deceased for treatment immediately she had sustained burn injury in course of cooking and she died in course of treatment. No material has been collected by the I.O at the place of occurrence and same falsifies the story of burning, the petitioner cannot be held guilty to have committed murder of his wife for non-fulfillment of demand of Rs. Two Lakhs. It is further submitted that petitioner was happily married and out of the wedlock, he was blessed with a male child and there was no reasons for him to commit such offence. The petitioner has remained in custody since 06.11.2021. On these grounds, the petitioner seeks to be released on bail.

Mr. Mohammad Sufyan, learned A.P.P. for the State submitted that this is one of the cases in which the I.O has taken the matter in very casual manner, in course of investigation, he has not visited at P.M.C.H., where the victim died and thereafter without knowledge of the informant body was cremated. The allegation is serious and from the materials available on record it appears that the victim was treated at two other places firstly



at Mahjidiya and thereafter Krishna Hospital, Mahua from where the deceased was referred to P.M.C.H. The incident had taken place in the district of Vaishali, which is not far away from P.M.C.H. He further submitted that there is strong case of burning and informant has supported the case as such petitioner does not deserve to be released on bail.

Having heard the rival submission of the parties, it appears to this Court that petitioner and deceased was happily married and out of their wedlock they were blessed with one male child aged about two years at the time of occurrence and till date he has been taken care by the parents of the petitioner. In course of investigation no incriminating materials have come against the petitioner. The petitioner took all efforts to treat his wife. The witnesses have not seen the incidence of burning with their own eyes. Prima facie the petitioner appears to have made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Hajipur at Vaishali in connection with Patepur P.S. Case No. of 82 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

This Court strongly deprecate the manner in which the investigation has been carried by the I.O of the case, who appears to have not even visited P.M.C.H., where the victim died. The S.P. Vaishali is directed to take appropriate action against the concerned I.O of the case.

Let a copy of this order be communicate directly to the S.P. Vaishali at Hajipur.

(Purnendu Singh, J)

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