

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25389 of 2021

Arising Out of PS. Case No.-877 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Mukesh Ranjan Pandey @ Chhota Babu, Son of Surendra Pandey, R/O
Village- Kushar, P.S.- Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

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

7 11-02-2022 The applicant/accused in Crime No. 877 of 2020

registered with Turkauliya Police Station for the offences

punishable under Sections 304(B), 201 and 120(B) r/w 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 in fact the marriage was

solemnized on 22.05.2013 and as such case of dowry death is

not made out. It is further argued that as the investigation of

the subject crime is over, the applicant is entitled to release on

bail, considering the allegations made against him.

The learned Additional Public Prosecutor opposed

the application by contending that all witnesses are supporting



the case of the prosecution and the offence alleged is serious in nature.

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

The applicant is husband of deceased Kumari Supriya @ Neha. The first informant Avnish Kumar Dwedi is her brother. He reported that Kumari Supriya @ Neha married the applicant prior to six and half years. Thereafter she was used to be subjected to cruel treatment by the applicant and her in-laws. They were not allowing her to go to her parental house. It is further alleged that six months prior to the incident, the accused persons had taken an amount of Rs.1,00,000/- as well as coin of gold in order to enable parental relatives of Kumari Supriya @ Neha to participate in the family function. It is further alleged that the accused persons were asking share of the deceased Kumari Supriya @ Neha in the land.

According to the first informant, the accused persons had killed Kumari Supriya @ Neha on 09.12.2020 and had disposed of her dead body for destroying the evidence.

The dead body was cremated and as such the prosecution is not having advantage of conducting the postmortem examination on the dead body. It appears that



during investigation ash and bones came to be seized from the funeral place.

Parental relatives of the deceased had supported the prosecution case by giving statements in tune with the FIR. However during the course of investigation, statement of Pawan Kumar Pandey neighbour of the matrimonial house of the deceased came to be recorded. As per his version, there was no problem in married life of deceased Kumari Supriya @ Neha. She had begotten two sons from the applicant.

It is seen that almost all matrimonial relatives of the deceased are accused in the instant case. The investigation of the subject crime is over. The applicant is undergoing pretrial detention from 10.12.2020. 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 is not having any criminal antecedent and no possibility of his abscondence is pointed out. Hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 877 of 2020 registered with Turkauliya Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten 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.

Bhardwaj/-

(A. M. Badar, J)

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