

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16882 of 2022

Arising Out of PS. Case No.-22 Year-2020 Thana- PANDARAK District- Patna

Birendra Kumar Son Of Ram Nandan Prasad @ Ram Nandan Gope Resident
Of Village- Chintamanchak, P.S.- Pandarak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Pandarak
P.S. Case No. 22 of 2020 registered for the offence under
Sections 304(B), 201 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.08.2021.

The allegation against the petitioner is to cause death
of his wife due to non-fulfillment of demand of dowry,
alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that taking the totality of the material collected during



the course of investigation, at best, this is a case of suicide. It is submitted that the chargesheet has been submitted in this case without obtaining the FSL report. It is further submitted that petitioner was a caring husband and due to certain dispute and hot argument with mother-in-law, the deceased consumes poison like substance. While concluding the argument, it is submitted that the petitioner informed the in-laws regarding the occurrence, showing his *bona fide* intention and upon said information, the parents of the deceased participated in the last rites.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that the dead body was found in the house of the petitioner, whereas, it has been conceded that chargesheet has been submitted without obtaining FSL report.

Considering the facts and circumstances as mentioned above, as investigation suggests that this is a case of suicide coupled with the fact that chargesheet has been submitted without obtaining the FSL report, let the petitioner, above named, is directed to be released on bail in connection with Pandarak P.S. Case No. 22 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Barh, Patna/concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Yogendra Ray, who is the maternal uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

