

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28634 of 2021**

Arising Out of PS. Case No.-31 Year-2019 Thana- LALIT NARAYAN UNIVERSITY  
District- Darbhanga

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AJAY DAS Son of Ram Chandra Das Resident of Mohalla- Dharmpur,  
Laxmisagar, Police Station- University, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate.  
For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

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

6      11-05-2022      The applicant/accused in Crime No.31 of 2019 registered with Police Station-L.N.M.U. for the offences punishable under Sections 304(B)/34 of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial. The first bail application of the applicant was disposed of with a liberty to the applicant to approach again if the trial is not concluded within a period of nine months. It is reported that the trial has not yet concluded.

The learned counsel for the applicant argued that most important witnesses, who happen to be neighbours of the deceased, are not attributing any role to the applicant in the subject crime. It is further argued that applicant is undergoing pretrial detention from 04.02.2019.



The learned A.P.P. opposed the application by contending that the offence is serious and within few months of her marriage, Gauri Kumari died in unnatural circumstances in the house of the applicant.

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

Gauri Kumari married the present applicant in the year 2018, as seen from the case diary. This was second marriage of Gauri Kumari. She died after five months of her marriage by hanging in her matrimonial house.

First Information Report was lodged by Baidnath Das, father of the deceased Gauri Kumari. He averred that the present applicant as well as in-laws of his daughter used to harass his daughter by alleging that nothing is paid as dowry and marriage was solemnized at the temple. He further averred that the deceased was subjected to beating by the applicant and her in-laws. She, therefore, stayed at her parental house and she was taken back just 20 days of the incident of her death.

As against this, the Investigating Officer has recorded statements of neighbours named Dilip Sahani and Arun Kumar. Dilip Sahani is neighbouring shop owner whereas Arun Kumar is neighbour of deceased Gauri Kumari. Neither of them had



stated about any cruel treatment or harassment to Gauri Kumari by the applicant soon before her death.

The applicant is undergoing pretrial detention from the year 2019. The offence is not exclusively punishable with life imprisonment. The trial will take its own time. Hence, further pretrial detention of the applicant is not warranted and, therefore, the following orders:

- (i). The application is allowed.
- (ii). The applicant/accused in Crime No.31 of 2019 registered with Police Station-L.N.M.U. for the offences punishable under Sections 304(B)/34 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/- (Rupees Ten Thousand) and on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or 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 should cooperate the trial in expeditious disposal of the trial against him.



(III). The applicant 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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