

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20275 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- SOHSARAI District- Nalanda

AMRIT PANDIT S/o Late Om Pandit @ Om Prakash Pandit Resident of
Village - Shingar Hat, P.S. - Sohسرائي, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Sohسرائي P.S Case No. 246
of 2021 corresponding to Sessions trial no.114/2022 registered for
the offences punishable under Sections 498A, 302, 304B/34 of the
Indian Penal Code and 3/ 4 of the Dowry Prohibition Act.

As per prosecution story, petitioner who is stated to be
husband of the deceased informed the brother of the deceased that
petitioner's wife had committed suicide and thereafter informant went
to the house of this petitioner and found dead body of his sister lying
on the bed and there was mark of rope around neck of the deceased.
The informant alleged in the FIR that his sister was always tortured
by this petitioner and his family members for the demand of dowry.



The main submissions advanced by Sri Pankaj Kumar, the learned counsel appearing for the petitioner are that as per FIR, petitioner himself informed to the informant about the death of the deceased which shows petitioner's *bonafide* intention and in fact, deceased committed suicide which was immediately informed to the brother of the deceased by the petitioner himself and actually the alleged occurrence may attract 306 IPC only and it does not relate to the offence of murder or dowry death. Further submission is that case of the petitioner has been committed but up till now, no prosecution witness has been examined. Prosecution's attitude is very lingering in producing the witness and the petitioner has been languishing in jail since 23.11.2021.

Learned APP Sri Sanjay Kumar has opposed the prayer for bail.

Heard both sides and perused the FIR. The deceased died within seven years of her marriage and her death was not natural and the informant has alleged in the FIR that the victim was always tortured by this petitioner and his family members. No doubt, as per FIR petitioner himself informed the brother of the deceased about happening of death of the deceased but merely informing is not enough to show innocency of the petitioner as deceased died in suspicious circumstance in the house of the petitioner and around her neck, mark like of rope was found.

Considering these facts, this Court is not inclined to grant



privilege of bail to the petitioner and accordingly, his prayer for bail stands rejected.

Trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest preferably, within nine months from today. If trial of the petitioner is not concluded within the stipulated period of nine months, the petitioner may renew his prayer for bail before the trial court and if the said liberty is availed by him, learned trial court shall decide petitioner's prayer without being prejudiced by this order according to merit.

(Shailendra Singh, J)

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