

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7476 of 2022

Arising Out of PS. Case No.-212 Year-2021 Thana- KASBA District- Purnia

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Bishnu Yadav Son of Birendra Yadav Resident of Village - Ratan Soti, P.S.-
Kasba, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 24647 of 2022

Arising Out of PS. Case No.-212 Year-2021 Thana- KASBA District- Purnia

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Puja Devi @ Puja Kumari W/O Bishnu Yadav R/O Village- Ratan Soti, P.S.-
Kasba, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 7476 of 2022)

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the State : Mr. Ram Bilash Roy Raman, APP

(In CRIMINAL MISCELLANEOUS No. 24647 of 2022)

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the State : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 17-10-2022

Cr. Misc. No. 7476 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Kasba
P.S. Case No. 212 of 2021 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.



The accused/petitioner is named in the F.I.R. and is in custody since 15.09.2021.

The allegation, as set out under F.I.R., against the petitioner is to cause death of daughter of the informant due to non-fulfillment of demand of dowry of Rs.2 Lakhs in cash. The husband is not the accused and also not alleged to raise any demand of dowry.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the brother-in-law of the deceased. It is submitted that after investigation of this case, chargesheet has been submitted u/s 302 of the Indian Penal Code, as allegation regarding demand of dowry, is found false. It is further pointed out that informant is not the eye witness of the occurrence, where allegation against the petitioner is very much general and omnibus. It is further submitted that death of the deceased was caused due to suicide, out of family frustration, as no external injury was noticed while conducting post mortem. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while



opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as chargesheet has been submitted u/s 302 of the Indian Penal Code, where informant is not the eye witness of the occurrence and petitioner is the brother-in-law of the deceased, having very general and omnibus allegation coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kasba P.S. Case No. 212 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, NDPS Act, Purnea/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. No. 24647 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP 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 Kasba P.S. Case No. 212 of 2021 registered for the offence under Sections 304(B), 379 and 34 of the Indian Penal Code.



The accused/petitioner is named in the F.I.R. and is in custody since 09.01.2022.

The allegation, as set out under F.I.R., against the petitioner is to cause death of daughter of the informant due to non-fulfillment of demand of dowry of Rs.2 Lakhs in cash. The husband is not the accused and also not alleged to raise any demand of dowry.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the sister-in-law of the deceased/daughter of the informant. It is submitted that after investigation of this case, chargesheet has been submitted u/s 302 of the Indian Penal Code, as allegation regarding demand of dowry, is found false. It is further pointed out that informant is not the eye witness of the occurrence, where allegation against the petitioner is very much general and omnibus. It is further submitted that death of the deceased was caused due to suicide, out of family frustration, as no external injury was noticed while conducting post mortem. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as chargesheet has been submitted u/s 302 of the Indian Penal Code, where informant is not the eye witness of the occurrence and petitioner is the sister-in-law of the deceased, having very general and omnibus allegation coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kasba P.S. Case No. 212 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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