

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33658 of 2021

Arising Out of PS. Case No.-305 Year-2020 Thana- HILSA District- Nalanda

Deepak Kumar, Son of Permanad Yadav @ Permanand Gope, Resident of Village - Nadwar (Wrong written in the FIR as Nadha), P.O.- Kachhiyawan, P.S.- Hilsa, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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

2 05-01-2022 The applicant/accused in Crime No. 305 of 2020 registered with Hilsa Police Station for the offences punishable under Sections 328 and 302 r/w Section 34 of the Indian Penal Code, by this application is seeking his release on bail during course of the trial. It is reported by both the parties that the charge sheet has been filed for the offence punishable under Section 304(B) of the Indian Penal Code.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant is behind bars from July, 2020 and there is no averments of subjecting the married women to cruelty in the FIR. It is further argued that prior to the incident of death of the married women, the applicant had filed an application for restitution of conjugal



right. Thereafter said married women namely Juli Kumari returned to the house of the applicant and committed suicide.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious.

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

In the FIR lodged by her brother Rambali Kumar, it is not alleged that deceased Juli Kumari was subjected to cruelty by the applicant who happens to be her husband. It is averred in the FIR that accused persons had administered poison to deceased Juli Kumari. Ultimately the charge sheet has been filed for the offence punishable under Section 304(B) of the Indian Penal Code. It is seen that the incident in question took place on 01.07.2020. In the year 2019 itself, the present applicant has filed an application under Section 9 of the Hindu Marriage Act against Juli Kumari (since deceased). It is averred by the applicant in the said application that Juli Kumari (since deceased) was alleging that the applicant is an impotent person and she does not want to cohabit with him. It is further averred in the said application that time and again the applicant attempted to bring back Juli Devi to her matrimonial house for resuming cohabitation.



Investigation of the crime in question is already over. Considering the nature of the evidence against the applicant/accused, his further pretrial detention is not warranted and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 305 of 2020 registered with Hilsa Police Station for the offences punishable under Sections 328 and 302 r/w Section 34 of the Indian Penal Code 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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