

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34491 of 2021

Arising Out of PS. Case No.-387 Year-2020 Thana- BANKA District- Banka

=====

Birendra Pandit Son Of Rameshwar Pandit Resident Of Village- Madoura,
P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

9 12-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Brij Nandan Prasad, learned counsel for
the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Session trial no. 138 of 2020 arising out of
Banka P.S. Case No. 387 of 2020 for the offences punishable
under Sections 328, 304B/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the
marriage of the daughter of informant was solemnized with
the petitioner four years prior to the institution of the FIR. It
is further alleged that just after the marriage, the deceased



was subjected to torture for demand of dowry and on 24.05.2020, all the accused persons assaulted and administered poison to the daughter of the informant and also strangled her to death.

It is submitted by the learned counsel for the petitioner that there is general and omnibus allegation against all the family members and the petitioner being husband of the deceased is in custody since 25.05.2020, though after completion of the investigation, charge sheet has been submitted and the charge has also been framed. It is further submitted that from the post mortem report, it appears that no external or internal injury has been found on the body of the deceased and as such viscera had been sent to Forensic Science Laboratory. The FSL report was called for and from perusal of the same, it appears that the deceased died on account of consuming Dichlorvos which is an organo phosphorous pesticide commonly used in agriculture. It is further submitted that the occurrence is said to have taken place on 24.05.2022 and the post mortem has been done on 25.05.2020 but surprisingly, the viscere was sent to the Foreinsic Science Laboratory after 2 ½ years. It is further



submitted that petitioner is ready to give under taking that he would remain present on each and every date of trial. It is lastly submitted that during the course of investigation, witnesses have stated that the deceased herself consumed poison resulting into her death.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration that during the course of investigation, it has come that the deceased was issueless and there had been some quarrel between the husband and wife and as she was living in frustration she might have committed suicide by taking poisonous substance. Moreover, the petitioner is in custody since 25.05.2020 and now charges have been framed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Banka in connection with Banka P.S.Case No. 387 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner



with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

N.K/-

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

