

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36837 of 2021

Arising Out of PS. Case No.-95 Year-2021 Thana- KADAMKUAN District- Patna

KAUSHAL AGRAWAL Son of Mr. Kailash Chand Agrawal Resident of
Mohalla- Jagat Narayan Road, Jagjiwan Gali, P.S.- Kadamkuan, District-
Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Udbhay, Advocate
For the State	:	Mr.Md. Fahimuddin, APP
For the Informant	:	Mr. Prince Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 304 of the Indian Penal Code.

As per the prosecution case, the sister of the informant was married to the petitioner in the year 2015. Thereafter the torture started. It is stated that in the morning information was received by the informant that his sister had been killed and is in PMCH. She was strangled to death.

It is submitted by learned counsel appearing for the petitioner that from perusal of the allegations in the FIR as also the statement of the witnesses under section 161 Cr.P.C it would transpire that no statement has been made to the effect that



there was any demand of dowry. It is further submitted that the independent witnesses whose statements have been recorded in paragraph nos. 11,12 and 13 of the case diary have narrated in detail about the altercation which took place between the husband and wife and soon thereafter the sister of the informant committed suicide. They further state that she was taken to the Patna Medical College and Hospital, Patna (P.M.C.H in short). Learned counsel further submits that the informant himself states that information was given to him about his sister having died and being present in the PMCH. In the postmortem report the doctor has opined the cause of death to be asphyxia due to hanging and from the contents of the postmortem report it would transpire that no other external injury has been found on the body of the deceased. Charge sheet has been submitted in the case. Learned counsel further takes the Court through the prescriptions which have been brought on record as Annexure-2 series to submit that the deceased was being treated since 2016 itself. The petitioner undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that besides being the husband of the deceased, there is direct allegation against the



petitioner of having tortured and having killed the sister of the informant by hanging her. Information was given to the informant only after they reached the PMCH.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material on record as also the statement of the witnesses specially the independent witnesses recorded in course of investigation, the investigation having concluded and the petitioner being in custody since last 11 months, the Court directs the petitioner to be enlarged on bail in connection with Kadamkuan P.S. Case no. 95 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 the learned Additional Chief Judicial Magistrate XII, Patna.

It is further directed that the petitioner shall cooperate in the trial and in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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