

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31476 of 2022**

Arising Out of PS. Case No.-41 Year-2021 Thana- SANDESH District- Bhojpur

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Dharmendra Ram S/o Deo Nath Ram Resident of Village-Jamuaon, Police
Station-Sandesh, District-Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 25-08-2022 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
learned APP for the State.

Petitioner seeks regular bail in connection with
Sandesh P.S. Case No. 41 of 2021 registered for the offences
under Sections 34, 304(B), 323, 341, 504, 506 of the Indian
Penal Code.

As per the allegation the accused persons including
the petitioner killed the informant's daughter and they also burnt
the dead body of the deceased and as per the FIR the husband of
the deceased caused head injury to the deceased by using iron
rod and the body of the deceased was burnt by the accused
persons hurriedly with an intention to conceal the body of the
deceased and evidence of the occurrence and as per further



allegations the deceased was always tortured by the accused persons for the demand of gold chain and motorcycle.

The main submissions advanced by the learned counsel Mr. Uday Kumar for the petitioner are that the petitioner is a brother-in-law of the deceased living separately from the deceased and her husband and he used to live in Ludhiana for their livelihood and at the time of alleged occurrence he was not present at his native village and the main allegation of assaulting her is against the husband of the deceased who is already in judicial custody in the present time. Further submission is that the allegation made against the petitioner is general and omnibus and he has been languishing in jail since 13th March, 2022.

Learned APP Mr. Anuj Kumar Shrivastava appearing for the State has opposed the bail prayer.

In view of the above submissions and considering the facts that the petitioner is a brother-in-law of the deceased and the main allegation is against the husband of the deceased and he is in judicial custody and any specific role or involvement of the petitioner in committing the alleged dowry death of the deceased has not been mentioned in the FIR and he has taken the plea that he has been separately residing from the husband



of the deceased. In the opinion of this Court the petitioner deserves a lenient approach of this Court in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sandesh P.S. Case No. 41 of 2021, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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