

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47455 of 2021**

Arising Out of PS. Case No.-372 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

Sunil Kumar @ Sunil Turha, Son of krishna Kumar @ Krishna Turha,  
Resident of Village - Chowkipur, Police Station - Udwanatnagar (Gajrajganj),  
District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

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

2      07-02-2022                      The applicant/accused in Crime No. 372 of 2019 registered with Udwanatnagar Police Station for the offences punishable under Section 304(B) r/w Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

It is reported that the applicant is undergoing pretrial detention from 20.09.2019. Earlier bail application of the applicant was rejected by a coordinate Bench of this Court vide order dated 12.10.2020 passed in Criminal Misc. No. 26157 of 2020 with a direction that the applicant may renew his request if the trial is not concluded within a period of nine months.

Heard the learned counsel appearing for the applicant/accused. He argued that as yet even the charge has



not been framed. It is further argued that after sustaining burns, wife of the applicant was admitted to the Sadar Hospital, Bhojpur immediately on 19.08.2019 by the applicant himself and after her discharge from the said hospital on 06.09.2019, she was at her matrimonial house with the applicant. It is further argued that even statement of deceased Anita Devi was never recorded during this period and up to her death. According to the learned counsel for the applicant, the FIR was lodged only after death of Anita Devi on 18.09.2019. There are no prospect of commencement of the trial.

The learned Additional Public Prosecutor opposed the application by contending that within a period of five years, the married women named Anita Devi died because of cruelty and harassment meted out her by the applicant.

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

The FIR is lodged by brother, Sonu Kumar Turha regarding death of his married sister Anita Devi. The applicant is husband of deceased Anita Devi. Anita Devi sustained burn injuries at her matrimonial house on 19.08.2019. It is seen from the record that she was admitted to the Sadar Hospital, Bhojpur on 19.08.2019 itself and was discharged from that



hospital on 06.09.2019. It is seen that the first informant was well aware about sustaining burn injuries by his sister Anita Devi on 19.08.2019 at her matrimonial house. The FIR is lodged by him after death of Anita Devi on 18.09.2019. Even after discharged, Anita Devi continued to stay at her matrimonial house till her death occurring on 18.09.2019.

It is seen from the FIR that Anita Devi had begotten two sons and a daughter from the applicant. The allegations in the FIR are to the effect that the applicant and her in-laws were demanding dowry and subjecting Anita Devi to cruelty. The allegations are not specific.

The investigation of the subject crime is over. The applicant is undergoing pretrial detention from 20.09.2019. The trail has not commenced and the charge has not been framed. In this view of the matter, I see no reason to refuse bail to the applicant and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 372 of 2019 registered with Udwanthnagar Police Station for the offences punishable under Section 304(B) 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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