

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51206 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- DESARI District- Vaishali

CHANDAN KUMAR S/o NAWAL KISHORE SINGH R/o VILLAGE-
MAJROHI EAST @ MAJROHI RAGHUNANDAN, P.S.- DESARI
(SAHDEI O.P.), DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Advocate
For the Informant	:	Mr. Nityanand, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Desari (Sahdei O.P.) P.S. Case No. 123 of 2021 instituted for the
offences under Sections 498(A), 304(B) and 201/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.07.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that his daughter (deceased)
was married to Vikram Kumar on 19.02.2018, further Vikram
Kumar on 29.03.2021 came to his Sasural and took the deceased



and his child along with him, further on 31.03.2021 Vikram Kumar informed the informant that the deceased was ill and is being taken to hospital, further the petitioner (brother of Vikram Kumar) informed Jaswir, nephew of the informant, about the death of the deceased and they are in hospital and when Jaswir reached the hospital all accused fled away with the deceased, it is next alleged that the hospital staff disclosed that the case was of poisoning, further she was referred to P.M.C.H., accordingly, the informant reached the house of Vikram and found the house locked, thus alleges that for non-fulfillment of demand of dowry his daughter has been killed, also the daughter had disclosed to her mother the accused were demanding a four wheeler.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant was not aware of the dowry demand as the deceased had not disclosed about the demand to the informant, rather she had disclosed to her mother. Learned counsel further submits that had there been a demand and if it was within the knowledge of the informant then definitely the FIR would have recorded that some steps were taken for bringing amicable solution between the parties, learned counsel further submits that from the allegation as alleged it would



manifest that it was this petitioner who informed about the death of the deceased to Jaswir. It is thus submitted that if the petitioner had any role in the occurrence then he would definitely not have disclosed the occurrence to the family member of the informant, rather they would have made efforts to dispose of the body without disclosing any fact to the informant, learned counsel further submits that the fact that the hospital staff disclosed that it was a case of poisoning and further that the deceased was referred to P.M.C.H. that in itself demonstrates the conduct of the petitioner and his family members that they had taken the deceased to the hospital. It is thus submitted that if the petitioner or his family member had any role in the occurrence then they would not have taken chance of taking the deceased to the hospital where she might have been saved because the hospital staff disclosed that after treatment the accused persons have taken her to P.M.C.H.

Learned A.P.P. for the State and the learned counsel for the informant vehemently opposes the prayer for regular bail.

Learned counsel for the informant submits that till date the informant is not aware that what happened to the dead body of the deceased nor is aware that where the child is,



rebutting the submission the learned counsel for the petitioner submits that the dead body was cremated in full knowledge of the informant. .

Be that as it may, considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and petitioner is the brother-in-law of the deceased and the husband of the deceased is in custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 123 of 2021.

(Satyavrat Verma, J)

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