

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54506 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- BALTHAR District- West Champaran

Krishna Mohan Pandey S/o Late Maksudan Pandey R/o Village-Dhankutwa,
P.S- Balthar, District-West Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

For the Informant : Mr. Binay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 11-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rama Nand Poddar, learned counsel for the petitioner and Mr. Binay Kumar, learned counsel for the informant as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Balthar P.S. Case No. 30 of 2021 registered for the offences punishable under Sections 304B, 201, 323, 504, 379/34 of the Indian Penal Code.

The prosecution case is based on a written report, alleging therein, that the marriage of the sister of the informant was solemnized with the son of the petitioner on 11.12.2020. Soon after the marriage, the victim was subjected to demand of dowry and on account of non fulfillment of demand, she was



harassed at the hands of the family members, including the petitioner. It is further alleged that on 21.03.2021, the informant received telephonic message from the husband of the deceased that his sister is ill and they are at 'Bettiah Hospital' for her treatment, whereupon, the informant and his brother went to hospital but none was found present. It is also alleged that when the informant and his brother reached to the house of the petitioner, they found the dead body of his sister. Later on, all the accused persons forcibly cremated the dead body, without giving any information to the police and also snatched Rs. 50,000 from the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be father-in-law of the deceased and there is no specific allegation of any demand of dowry or torture against him, rather a general and ominous allegation has been leveled against all the family members, ten in numbers. He next submits that in fact the deceased was under treatment of Dr. Vijay Mangal Dev, on account of heavy pain in her abdomen and during the course of her medical examination, a large tumor was found in her abdomen and in fact, in course of her treatment, she died. In support of the aforesaid submission, some medical prescription and ultrasound report are brought on



record by way of Annexure 2 and 3 series. He next submits that on the fateful day with the consent of both the family members, cremation was done, however, at the instigation of some of the unscrupulous persons, this FIR has been instituted against all the family members. He lastly submits that the petitioner having fair antecedent, is in custody since 06.06.2021 and now the charges have already been framed.

On the other hand learned counsel for the informant vehemently opposes the bail application and submits that specific allegation has been leveled against the petitioner and his family members with regard to demand of a Bullet motorcycle and not only that the death of the deceased has occurred otherwise under normal circumstances within seven years of marriage and soon before her death, she was subjected to torture for demand of dowry and, as such, presumption also suggests the complicity of the petitioner.

The learned APP for the State also vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be father-in-law of the deceased, is in custody since 06.06.2021, apart from general and ominous nature of allegation



and the medical prescription which shows the deceased was under treatment of medical practitioners before her death, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Balther P.S. Case No. 30 of 2021 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. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

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(Harish Kumar, J)

