

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51603 of 2021

Arising Out of PS. Case No.-203 Year-2019 Thana- NAUTAN District- Siwan

Gayneshwar Pal @ Munna Pal, Son of Ramayan Pal, Resident of Village-
Bhaghwanpur, P.S.- Nawtan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 22-08-2022 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 Mrs. Kumari Anupam, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Nawtan P.S. Case No. 203 of 2019 registered
for the offences punishable under Sections 304(B) of the Indian
Penal Code. Later on Section 302 of the Indian Penal Code has
been added.

As per prosecution case, it is alleged that the marriage
of the niece of the informant was solemnized with the petitioner
on 24.05.2019. However, soon after the marriage, the victim
was subjected to torture for demand of dowry and the victim
used to make complaint on phone. It is further alleged that on



16.11.2019, the informant got an information by unknown persons that his niece has been done to death by the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is quite innocent and he, being the unfortunate husband of the deceased, has been implicated in this case. It is submitted that in fact, on account of some altercation, the deceased committed suicide and thereafter the petitioner informed the family members of the deceased and whereupon they came and thereafter inquest report has been prepared wherein the reason of death is shown to be by hanging and the informant has also put his signature on the same. It is next submitted that during the course of investigation, independent witnesses have categorically stated that on the alleged date when hulla was raised, the witnesses rushed to the house of the petitioner and thereafter the dead body was brought out from the room after breaking the door, which was locked from inside. It has also come during the course of investigation that the deceased wanted to go along with the husband (petitioner), but he was not ready to take away his wife and on such annoyance she has committed suicide. It is lastly submitted that the petitioner is in custody since 25.02.2021 and there is no substantial progress in the trial.



On the other than, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against this petitioner that the deceased was subjected to torture for demand of dowry and the death has occurred within seven years of her marriage under unnatural circumstances.

Having regard to the submissions made on behalf of the parties and considering the statement of the independent witnesses recorded under Section 161 of the Cr.P.C., who have stated before the police that on the fateful day, the deceased has committed suicide on account of some altercation took place between the husband and wife and the petitioner is in custody since 25.02.202 and there is no other external injury found over the body of the deceased, save and except the ligature mark over the neck, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Nawtan P.S. Case No. 203 of 2019, 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 physically 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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