

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56759 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- HILSA District- Nalanda

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Sachidanand Kumar @ Sachchidanand Kumar Son Of Ram Yatan Prasad @
Ram Jatan Prasad Resident of Village - Lalsibigha, P.S.- Hilsa, District -
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Hilsa P.S.Case No. 14 of 2021 for the offences punishable
under Sections 304(B)/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that
marriage of the daughter of informant was solemnized with the
petitioner in the year 2016 and at the time of her marriage, the
informant has given cash of Rs. 6 lacs, ornaments and other
valuable things. It is alleged that after some time the accused
persons started demanding cash of Rs. 10 lacs as dowry and due



to non- fulfillment of demand of dowry, she was subjected to torture and lastly killed by the accused persons including the petitioner.

It is submitted by the learned counsel for the petitioner that there is general and omnibus allegation against all the family members including the petitioner. There is no specific allegation against this petitioner. It is also submitted that there is good relationship between the petitioner and his wife(deceased) and from their wedlock, one female child was born. It is further submitted that the deceased had some Respiratory congestion, due to which she was taken to Patna Medicity Hospital by the petitioner, where she was treated but due to sudden "Cardio Respiratory failure" she died and the manner of death has been shown to be natural. It is also submitted that this petitioner was all along present with the deceased till her death. He received the body of the deceased from the hospital which was later on, cremated by the petitioner along with his family members. It is next submitted that information was given to the family members of the deceased but after the death of deceased on 06.01.2021, F.I.R has been instituted on 07.01.2021. It is lastly submitted that other co-accused persons, who happens to be bhaisur, mother-in-law and



dewar of the deceased have already been granted bail by the learned court below itself. Petitioner has got no criminal antecedent and is in custody since 06.02.2021.

On the other hand, learned counsel for the State vehemently opposed the bail application and submit that this petitioner happens to be husband of the deceased and there is allegation against all the family members that on account of non fulfillment of dowry, the deceased was subjected to torture and lastly killed by the accused persons including the petitioner.

Having heard the learned counsel for the parties and taking into consideration the fact that there is general and omnibus allegation against all the family members including the petitioner. Further due to sudden illness the deceased was taken to hospital on 06.01.2021 and she was also kept in ICU for her treatment but on the same day, she died. The medical certificate issued by the hospital shows that on account of sudden “Cardio Respiratory Failure” she died in natural course and the petitioner was all along present with the deceased, he received the body of the deceased from the hospital which was later on, cremated by the petitioner along with his family members, apart from the fact this petitioner is in custody since 06.02.2021 and even during the course of investigation, no other specific



material has come which suggested the complicity of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S.Case No. 14 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.

(Harish Kumar, J)

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