

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4653 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- IMAMGANJ District- Gaya

Suresh Pandey, Son of Late Kmta Panday, Resident of Village - Babhandi,
P.O. and P.S. - Imanganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49924 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- IMAMGANJ District- Gaya

1. Sharwan Kumar Pandey, S/o Suresh Panday, Resident of village- Babhandi,
P.O. and P.S.- Imanganj, District- Gaya.
2. Maya Devi, W/o Suresh Panday, Resident of village- Babhandi, P.O. and
P.S.- Imanganj, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4653 of 2022)

For the Petitioner/s : Mr. Krishna Kant Tiwari, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

(In CRIMINAL MISCELLANEOUS No. 49924 of 2022)

For the Petitioner/s : Mr. Krishna Kant Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in

connection with Imamganj P.S. Case No. 49 of 2021 registered for the alleged offences under Sections 304(B), 201 and 34 of the Indian Penal Code.

As per prosecution case, the sister of the informant was married to co-accused Jai Kishore Pandey and the petitioners are parents and brother of the co-accused. Allegation against them is that they caused the dowry death of the sister of the informant by hanging her and burnt the dead body in order to do away with the evidence.

It has been submitted by the learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. The petitioners are parents-in-law and brother-in-law of the deceased respectively and they have been living separately from the deceased and her husband. It is apparent from the F.I.R. that the informant is not an eye witness and he has named the petitioners as well as husband of the deceased as accused without specifying their respective roles in the alleged occurrence. Even the local Sarpanch and Mukhiya have certified about petitioners are living separately from the deceased and her husband. Learned counsel further submits that the petitioners in custody since 20.03.2021 and 28.06.2022, respectively and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that there is specific allegation against the petitioners and death of the sister of the informant occurred in her parental home and the petitioners are duty bound to explain her untimely death. The witnesses have also supported the allegation of demand of dowry and treating the deceased with cruelty and assaulting her in connection with their demand by the co-accused persons and their cremation of the body of the deceased without informing the family members. The deceased died in suspicion circumstances in her matrimonial home.

Perused the records.

Having regard to facts and circumstances and submission made on behalf of the parties and considering the fact that the co-accused husband is under custody and the petitioners are in-laws of the deceased and allegations are general and non-specific, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class Sherghati, Sub-divisional Court Gaya in connection with Imamgaj P.S. Case No. 49 of 2021, subject to the conditions

mentioned in Section 437(3) of the Code of Criminal Procedure
and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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