

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61204 of 2021

Arising Out of PS. Case No.-185 Year-2021 Thana- MINAPUR District- Muzaffarpur

LALAN KUMAR Son of Mahesh Rai Resident of Village- Maksudpur, P.S. -
Meenapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Shri P.K. Shahi, Sr. Advocate Mr. Mukesh Kumar, Advocate
For the Informant	:	Mr. Raju Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-04-2022 Heard learned Senior Counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

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

The petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

Learned Senior Counsel for the petitioner submits that
the petitioner is in custody since 03.06.2021, is a person with
clean antecedent and charge-sheet has been submitted.

The informant alleges that his daughter was married
to the petitioner in the year 2018. After marriage, the petitioner
and his family members used to abuse and assault the daughter



of the informant. The petitioner informed the informant that his daughter (deceased) is seriously ill and thereafter informed him that his daughter has died. Accordingly, the informant reached the place of occurrence and came to know that the petitioner and his FIR named family members had killed the daughter of the informant after assaulting her and also found marks of violence on her body.

Learned Senior Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case merely because he is the husband of the deceased and the marriage was two and half years old. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant has not alleged that any dowry was being demanded, though he alleged that the daughter after marriage was assaulted and abused. Learned Senior Counsel further submits that since there is no allegation of demand of dowry, as such, the death cannot be a dowry death. It is further submitted that the informant in the FIR has very clearly stated that when he reached the place of occurrence, he saw marks of violence on the body of the deceased but the same got discredited by the postmortem report which records that no ante mortem injury was found on the body of the deceased and the



viscera has been reserved. Thus, learned Senior Counsel submits that in absence of viscera report, the police in haste has submitted charge-sheet under Section 304(B) of the IPC, when the FIR itself does not contain any allegation regarding dowry. It is further submitted that during the course of investigation, it has also come that the marriage was two and half years old and the couple were childless and perhaps that might have persuaded the daughter of the informant to end her life. Learned Senior Counsel also submits that if the petitioner and his family members would have committed the occurrence then definitely they would not have informed the informant and would have made efforts to dispose of the dead body. The fact that the body of the victim was lying in the house and was cremated only after the informant reached the place of occurrence on information provided by the petitioner that in itself demonstrates the innocence of the petitioner. Learned Senior Counsel further submits that in the FIR though there is no allegation alleging that what was being demanded in dowry but a line has been added that dowry was being demanded that in itself shows that nothing was being demanded by the petitioner or his family members or else the informant would have specifically stated in the FIR that what was being demanded by the petitioner and his



family members.

Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for regular bail of the petitioner and submits that the marriage was only two and half years and, as such, the presumption against the petitioner under Section 304(B) of the IPC is raised but the learned counsel for the informant was not in a position to meet the submissions of the learned Senior Counsel for the petitioner that in the FIR the informant does not allege that what was being demanded in dowry, was also not able to meet the submissions of the learned Senior Counsel for the petitioner that postmortem report records that no ante mortem injury was found.

Considering the facts that petitioner is in custody since 03.06.2021, is a person with clean antecedent and charge-sheet has been submitted and taking into consideration the submissions made by the learned Senior Counsel for the petitioner, the petitioner, above named, is directed to 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 Court below where the case is pending in connection with Meenapur P.S. Case No. 185 of 2021, subject to the condition that if it comes to the notice of the learned court



below that the petitioner is trying to delay the issue of framing of charge then the learned court below shall proceed to cancel the bail bond of the petitioner with a reasoned order.

(Satyavrat Verma, J)

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