

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66108 of 2021

Arising Out of PS. Case No.-304 Year-2021 Thana- BIHAR District- Nalanda

Nandkishor Pandit Son Of Naresh Pandit Resident Of Village - Paharpur, P.S-
Bihar, Dist- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad, Advocate
For the Opposite Party/s : Mr.Jagdhari Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with S. T. No 602/2021 arising out of Bihar P.S. Case No. 304 of 2021 registered for the alleged offences under Sections 304(b), 201 and 34 of the Indian Penal Code and under Sections 3/4 of Dowry and Prohibition Act.

As per prosecution case, the petitioner is son-in- law of the informant and allegation against him and other co-accused persons is that they killed the daughter of the informant on non-fulfillment of demand of dowry and burned



the dead body.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case and he has not committed any offence. Prior to death of the daughter of the informant, there was no demand of dowry and complaint as such in this regard. The petitioner was living happy married life with the deceased wife and they have two children out of marriage, a son and a daughter. The deceased have been suffering from Covid-19 and she died due to its effects. A supplementary affidavit in this regard has been filed on behalf of the petitioner stating in detail about the disease of the deceased and further cause of her death. Due to peak of the pandemic period, no one was attending the funeral and for this reason the petitioner did not call the informant or other relatives. Even during investigation, a number of witnesses examined by the police stated that the wife of the petitioner died due to Covid-19. The informant has been putting pressure on the petitioner to transfer some property in the name of his maternal grandson of the informant and on his refusal, this false case has been brought against him. Charge sheet has been submitted in this case and the petitioner is in custody since 15.05.2021.

Learned APP for the State opposes the prayer for bail



of the petitioner submitting that the petitioner and other co-accused caused the death of daughter of the informant on account of demand of dowry.

Having regard to the facts and circumstances and considering the possibility of death of the daughter of the informant due to Covid-19 for which documents have been filed on record along with affidavit and also considering the period of custody of the petitioner with the report of learned Trial Court which shows the matter has been coming up for evidence but no witness has been examined out of 11 charge sheet witnesses and trial is not likely to conclude soon, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 4th District & Sessions Judge Nalanda at Bihar Sharif in connection with S. T. No. 602/2021 arising out of Bihar P.S. Case No. 304 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 petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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