

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68787 of 2021

Arising Out of PS. Case No.-318 Year-2019 Thana- RUPASPUR District- Patna

Rajnish Pandey @ Rajnikant S/O Vijay Kumar Pandey Resident of Village -
Basti, P.O. And P.S. - Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Lalan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 18-10-2022 Heard learned senior counsel appearing on behalf of
the petitioner, learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rupaspur
P.S. Case No. 318 of 2019 registered for the offence under
Sections 304(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.07.2021.

The allegation against the petitioner, who is the
husband, is to cause death of his wife/daughter of the informant,
alongwith other co-accused persons/family members, due to



non-fulfillment of demand of dowry, as raised for cash of Rs.5 Lakh and one four wheeler.

Learned senior counsel appearing on behalf of the petitioner submitted that the allegation of raising demand of dowry is completely false and as the daughter of the informant committed suicide out of her family frustration, subsequently, as an afterthought, the allegation was raised against this petitioner, who is, even, not present in the house at the time of the occurrence. It is submitted that, even, the post mortem report is suggesting the cause of death as 'asphyxia due to hanging', where no bodily injury was noticed, while conducting post mortem. It is pointed out that, as per F.I.R., the door was closed from inside, which was broken in the presence of the informant and, thereafter, the dead body of her daughter was recovered, clearly suggesting that it is a case of suicide. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail.

In view of the facts and circumstances, as mentioned



above, as post mortem report is suggesting that death was caused due to hanging, where no external injury was found coupled with the fact that chargesheet has already been submitted, where petitioner is in custody since 03.07.2021, let the petitioner, above named, is directed to be released on bail in connection with Rupaspur P.S. Case No. 318 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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