

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70412 of 2021

Arising Out of PS. Case No.-462 Year-2021 Thana- BARHARA District- Bhojpur

AMAR GOND Son of Baleshwar Gond Resident of village - Mohkampur,
P.S.- Ara Mufassil, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-05-2022 Heard learned counsel for the petitioner 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 counsel for the petitioner submits that the
petitioner is in custody since 05.08.2021, charge-sheet has been
submitted, is a person with clean antecedent and is the husband
of the deceased.

The informant alleges that his daughter was married
to the petitioner in the year, 2017. After marriage, the accused
persons including the petitioner started demanding a
motorcycle. Further, due to non-fulfillment of the demand, the



daughter of the informant was tortured and assaulted which led to fracture of hand in which iron rod was fixed. It is further alleged that a son was born out of the wedlock. Thereafter, it is alleged that the accused persons ousted the daughter of the informant from the house on 01.07.2021 when the deceased was sick. Further, the deceased came to her parental home where the informant got her treated by the Doctor but she died on 05.08.2021.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the deceased on 01.07.2021 is alleged to have been ousted from her matrimonial home and thereafter she came to her parental home where she was treated till 05.08.2021 and thereafter she died. It is, thus, submitted that whatever happened, happened at the parental home and if what has been alleged in the FIR is true then definitely the informant in between 01.07.2021 to 05.08.2021 would have instituted the FIR but the FIR came to be instituted on 05.08.2021 which itself demonstrates that there was an inordinate delay in instituting the FIR. Learned counsel submits that merely the petitioner being the husband that should not be a ground for rejecting his bail in the nature of allegation as alleged in the FIR.



Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 05.08.2021, is a person with clean antecedent, charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel of 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 Barhara P.S. Case No. 462 of 2021.

(Satyavrat Verma, J)

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