

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72399 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- BELHAR District- Banka

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Gautam Pandit @ Gautam Kr. Pandit, Son Of Mahendra Pandit Resident Of
Village- Kharauda, Police Station- Belhar, District- Banka.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee
For the State	:	Mr. Rabindra Kumar
For the Informant	:	Mr. Ajit Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State through
video conferencing.

The petitioner seeks bail in a case registered for the
offences punishable under Section 302/ 34 of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 15.09.2021, he is a person with
clean antecedent, charge-sheet has been submitted in this case
and petitioner is the brother-in-law of the deceased.

The learned counsel for the petitioner further submits
that the informant alleges that 12 years back, her daughter was
married to Kanchan Pandit. It is further alleged that on



28.03.2020, in the mid-night at about 1.00 A.M., he received information that his daughter (deceased) has been assaulted by the petitioner and the named accused persons due to which, she has received serious internal injury. Accordingly, the informant reached the place of occurrence where he found his daughter in an injured condition, who narrated the occurrence and disclosed that she was assaulted by the accused persons.

It is next alleged that the informant went to arrange for an auto for taking his daughter for treatment when at about 5.30 in the evening, he received an information that his daughter is dead and the accused persons have fled away from the place of occurrence locking the dead body inside a room.

The learned counsel for the petitioner submits that husband is not an accused in the F.I.R. It is also submitted that the marriage was 12 years old. It is next submitted that the F.I.R. does not even remotely whisper or suggest that ever the petitioner or the named accused persons had demanded dowry. It is also submitted that in between these 12 years, not a single case came to be instituted from the side of the informant or the deceased alleging that the petitioner including the named accused persons were torturing the deceased or had tortured the deceased in past even.



It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no motive has been assigned for committing the occurrence. The learned counsel for the petitioner submits that no doubt, the daughter of the informant died, but then the occurrence was not committed in the manner in which it is being alleged. It is also submitted that the petitioner and the named accused persons were not staying together with the deceased rather all the accused persons were residing separately. It is next submitted that though the deceased died, but it appears that the informant in connivance with the husband of the deceased instituted the present case in order to coerce the petitioner not to seek share in the property.

It is further submitted that it absolutely defies all logic, wisdom and reasonable human behaviour that the entire family members would go to the house of the deceased, assault her and kill her. The learned counsel further submits that the deceased had children, who were also present at the place of occurrence, but the F.I.R. does not even remotely suggest that they gave any information to the informant with regard to the occurrence, but during the course of investigation, it has come that the child before the police has stated that it were the named accused persons, who had committed the occurrence which



amply points to the fact that the children were tutored either by the informant or by their father or else. If what they have stated before the police is correct, then definitely they would have disclosed the same fact to the informant also. It is submitted at the cost of repetition that the informant prior to instituting the F.I.R. must have asked the children that what they saw and who committed the occurrence, but the F.I.R. does not even remotely whispered that any information by the children to the informant that creates suspicion also with regard to false implication of the named accused persons.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not in a position to meet the submission of the learned counsel for the petitioner as raised herein above that as to why the children did not disclose about the occurrence to the informant and why the informant prior to instituting the F.I.R. did not ask the children about the occurrence, apart from other submissions as raised.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his



furnishing bail-bonds in the sum 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 Belhar P. S. Case No.115 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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