

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.843 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- BIHIA District- Bhojpur

KASHI NATH PAL Son of Late Maheshi Pal Resident of Village- Kateya,
P.S.- Bihiya, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Informant : Mr. Sri Nath Manjhi, Advocate

Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner, Mr. Sri Nath Manjhi, 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) and 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.10.2021, charge-sheet has been submitted and is a person with clean antecedent.

The informant alleges that his sister was married to Dhanji Pal on 31.01.2020 and after marriage the accused



persons including the petitioner were demanding Rs.1,00,000/- and one motorcycle. Further, on 14.10.2021, the petitioner informed the informant that his sister died and was cremated. Further, the informant came to know that his sister had died two days ago, thus, alleges that the accused persons killed his sister for dowry.

Learned counsel for the petitioner submits that there is general and omnibus allegation of demand of dowry against all the accused persons of demanding of Rs.1,00,000/- and one motorcycle. Learned counsel further submits that the petitioner is the father-in-law and the husband of the deceased is in custody. Learned counsel very fairly submits that the occurrence took place within seven years of marriage, there was demand of dowry and the death took place in the house of the husband of the deceased, as such, prima facie, offence under Section 304(B) of the Indian Penal Code is made out but then it is the husband who is responsible for the occurrence when the entire family members came to be implicated. Learned counsel further submits that the informant is not an eyewitness to the occurrence nor any case was instituted prior to institution of the present case alleging that the family members of the husband of the deceased were also demanding the dowry.



Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that husband of the deceased is in custody and the informant is not an eyewitness to the occurrence.

Considering the fact that the petitioner is in custody since 28.10.2021, charge-sheet has been submitted and is a person with clean antecedent, husband of the deceased is in custody and petitioner is the father-in-law, 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 Bihiya P.S. Case No. 404 of 2021.

(Satyavrat Verma, J)

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