

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.518 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- UJIYARPUR District- Samastipur

PANKAJ KUMAR S/o Chandeshwar Prasad Mahto R/o village - Raipur, P.S.
- Ujiyarpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2022 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 03.07.2021, charge-sheet has been
submitted and is a person with clean antecedent.

The informant alleges that his daughter was married
to petitioner on 23.04.2021 and demand of dowry was made on
phone with threatening that if dowry will not be given anything
can happen. Further, the informant alleges that his daughter was
killed for non-fulfillment of dowry demand.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. The informant is not an eyewitness to the occurrence. Learned counsel further submits that though in the FIR it is alleged that dowry was being demanded but FIR is completely silent that what was being demanded in dowry. Learned counsel further submits that it has specifically been pleaded at para 8 of the bail application that the petitioner and the deceased on 09.06.2021 has come from Asansol at 03:00 A.M. and there was altercation took place between the two and the deceased in anger consumed Celphos, accordingly, she was taken to Shree Hospital, Dalsingsarai for treatment after informing her brother on which brother reached and from the said hospital the deceased was referred to Begusarai and on way to Begusarai in ambulance the victim died. Learned counsel next submits that petitioner is implicated merely because he is husband of the deceased.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the marriage was within seven years, demand of dowry is alleged and even presuming what has been submitted by the learned counsel for the petitioner to be true then it was the petitioner



who created conducive conditions for the deceased to take an extreme step and the occurrence also took place in the house of the petitioner.

Learned counsel for the petitioner rebuts the submission and submits that altercation between the husband and wife is normal but then in anger if the deceased committed an occurrence the responsibility is not of the petitioner as he had even taken her to hospital for treatment from where she was referred to the higher centre but she died on way to hospital.

Considering the submissions made by the learned A.P.P., the Court for the present is not inclined to grant bail to the petitioner in connection with S.T. No. 292 of 2021 corresponding to Ujiyarpur P.S. Case No. 165 of 2021 pending in the Court of learned Additional Sessions Judge, Dalsingsarai, Samastipur/successor Court.

Accordingly, prayer for bail is refused.

(Satyavrat Verma, J)

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