

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13407 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- TARARI District- Bhojpur

Shashi Kapur Pandey @ Shashikapur Pandey Son of Sundar Deo Pandey @
Sundardev Pandey R/o Village - Akraj, P.S.- Tarari, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-10-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

It is a case of causing death by the petitioner of his wife due to non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is the husband of the deceased due to which he has falsely been implicated in this case. It is further submitted in para 7, 8, 9 and 10 of the petition that the deceased was married to petitioner on 18.05.2014 but the informant in connivance with the police has deliberately mentioned the year wrongly as



2016 so as to bring the unfortunate death of the deceased within the ambit of Section 304(B) IPC. On 15.01.2015, both the deceased and petitioner had got their election id cards made and in the election id card of the deceased the name of the husband is clearly mentioned as Shashi Kapur Pandey. The deceased was happily married since about 8 years and had two children so the question of any demand of dowry or torture did not arise. The deceased died by committing suicide and it was the petitioner, who informed the informant and police about the same. It is also submitted that in the postmortem report, the cause of death of the deceased not opined by the doctor and from perusal of the F.S.L. report which is annexed with case diary, there is no metallic, alkaloidal, glycosidal, pesticidal and volatile poison could be detected in the body the deceased. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 12.06.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



custody of the petitioner, this court is inclined to enlarge the petitioner on bail **after framing of charge, if charge is not framed**. The above named petitioner is directed to be released on bail in connection with Tarari P.S. Case No. 124 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhojpur, Ara.

(Sunil Kumar Panwar, J)

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