

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22273 of 2023

Arising Out of PS. Case No.-84 Year-2020 Thana- PURUSHOTTAMPUR District- West
Champaran

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Hari Ram Son of Heera Ram R/O Village - Pakuahwa, P.S.- Mainatand,
District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Purushottampur P.S. Case No. 84 of 2020 registered on 19.10.2020 for the alleged offences under Sections 304B & 201/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with the petitioner and there are two children out of the wedlock. The allegation against the petitioner is that after sometime he started demanding Rs.50,000/- and a motorcycle in dowry and when the demand was not fulfilled, the petitioner and his family members started torturing the daughter of the informant. Later on, the petitioner left for Chandigarh to



earn his livelihood and meanwhile, the informant received an information that the parents-in-law and other in-laws of his daughter assaulted the daughter of the informant and later on, her dead body was recovered from nearby sugarcane field. The informant showed his suspicion that the petitioner under a conspiracy got his wife murdered by his other family members and in order to conceal the evidence got the dead body thrown in the sugarcane field.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner never demanded any dowry and never committed any torture or cruelty to the deceased wife and there was no such complaint during the life time of the deceased. Learned counsel further submits that the informant did not disclose the date of marriage of his daughter only in order to bring the case under the purview of dowry death since the marriage has taken place more than seven years prior to death of the daughter of the informant. From the FIR it is also clear that the petitioner was not present at the place of occurrence and he was in Chandigarh where he had gone to earn his livelihood. Learned counsel further submits that the petitioner is having two children and he would not take such a step of killing his wife for



the demand of Rs.50,000/- and a motorcycle. The petitioner is also in hapless condition and he is not even aware how his wife died. Two co-accused persons have been granted bail by different Co-ordinate Benches vide order dated 24.05.2021 passed in Cr. Misc. No. 23943 of 2021 and vide order dated 04.02.2022 passed in Cr. Misc. No. 24851 of 2021. The petitioner is in custody since 04.02.2023 and charge sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner is the husband and there is allegation of dowry death.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and taking into consideration the fact that the petitioner was not present at the place of occurrence and further considering the remoteness of allegation, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bettiah, West Champaran/concerned court in connection with Purushottampur P.S. Case No. 84 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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