

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21241 of 2023

Arising Out of PS. Case No.-116 Year-2021 Thana- KARPI District- Jehanabad

Saroj Kumar, S/O- Hari Kishun Sao, Village- Shahar Telpa Bazar Ps- Karpi
Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Session Trial No. 173 of 2022 arising out of Karpi (Shahar Telpa O.P) P.S. Case No. 116 of 2021 registered for the alleged offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, petitioner was married with the daughter of the informant and there is allegation that he along with other co-accused persons demanded a motorcycle in dowry. When the demand was not fulfilled, they used to assault the daughter of the informant. On the fateful day the informant received communication about death of his daughter when the informant reached the house of the petitioner he found some injury marks on the dead body of his daughter.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no eye-witness to the occurrence and there has been no prior complaint regarding any demand by the petitioner or his family members. The true facts of the case are that the petitioner and deceased was enjoying their conjugal life and out of their wedlock two children were born. On the fateful day, the wife of the petitioner was suffering from dehydration and fell down from stairs and she died. The petitioner has never demanded any dowry and the father of the deceased who reached there and lodged a false case against the petitioner and others. The statement of the children were not recorded by the police during investigation. The doctor who conducted post-mortem of the deceased has stated that the cause of death by head injury. Even during investigation only suspicion has been raised against the petitioner and others and no cogent material has come up against this petitioner. Learned counsel further submits that till date only cognizance has been taken as reflected from the rejection order of the learned lower court. The petitioner is in custody since 28.06.2021 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting



that the daughter of the informant was killed by the petitioner and co-accused persons for non-fulfillment of dowry demand.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner showing his involvement in the occurrence as alleged and further considering the fact that there is no likelihood of early conclusion of the trial and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IXth, Jehanabad/ Court concerned in connection with Session Trial No. 173 of 2022 arising out of Karpi (Shahar Telpa O.P) P.S. Case No. 116 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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