

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32598 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- SATHI District- West Champaran

Tulsi Das Son Of Late Dwarika Das Resident Of Village - Satwaria, P.S.-
Sathi, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 17-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Sathi P.S. Case No. 150 of 2021 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that her daughter was killed by this petitioner with her in-laws over non-fulfillment of a dowry demand.

The main submissions advanced by learned counsel Mr. Sanjeev Kumar, appearing for the petitioner are that the



petitioner is father-in-law of the deceased and languishing in jail since 31.08.2021, in actual the petitioner had no relations with family affairs of the husband of the deceased and three years ago from the alleged date of occurrence a partition had taken place in between the petitioner and his sons and thereafter he started residing in the house of his youngest son and the husband of the deceased is in jail. Further submission is that the marriage of the deceased took place five years ago, before the alleged day of occurrence and as per the allegation the victim was tortured for the demand of a Motorcycle only, which cannot be deemed to be meaningful for this petitioner and moreover, there is no material or evidence to show that the deceased was subjected to cruelty soon before her death for the alleged demand of Motorcycle hence, the main ingredients of Section 304 (B) of IPC are lacking in the present matter.

Learned APP Mr. Nand Kumar, appearing for the State has opposed the prayer for bail and submitted that on the body of the deceased three injuries were found and there is serious allegation against the petitioner.

In view of the facts, as stated above and mainly considering the petitioner's custody period and also the facts that the husband of deceased is behind the bars and any specific



role of the petitioner in committing the cruelty with the victim has not been revealed in the FIR and the petitioner has taken the plea that he had started living separately from the husband of the deceased three years before the alleged occurrence on account of partition having taken place between him and his sons, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sathi P.S. Case No. 150 of 2021.

(Shailendra Singh, J.)

maynaz/-

U		T	
---	--	---	--

