

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34390 of 2023

Arising Out of PS. Case No.-88 Year-2020 Thana- AGIAON District- Bhojpur

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DURGESH KUMAR Son of Ramdayal Singh Resident of Village- Bishamvra
@ Bishambhra, PS- Agiaon, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Malti Kumari, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-08-2023 Heard Mrs. Malti Kumari, learned counsel for the

petitioner and the State.

The petitioner is in judicial custody in connection with Agiaon Garhani P.S. Case No. 88 of 2020 for the offence punishable under Sections 304(b)/201/34 of the Indian Penal Code lodged on 5.6.2020 by the informant, Pataso Devi.

As per the prosecution story, the allegation is that the informant's daughter was married to Durgesh Kumar, the petitioner herein in 2016 but was tortured for dowry and on 5.6.2020, she was informed that the lady has been killed by in-laws and the body was cremated. Accordingly, the FIR.

It is the case of the petitioner that she died a natural death due to heart attack but under wrong belief /information, the FIR was lodged. Subsequently, during trial, they have given



a different version.

In this case, earlier bench had called for the case diary on 31.7.2023 which has since been received.

The petitioner has attached the deposition of the father (P.W.-1), the brother (P.W.-2) as also another witness, Parmatma Singh (P.W.-3), according to which, she was treated well by her in-laws and died due to heart failure but due to confusion, the FIR was lodged. The father has further deposed that he had not alleged before the police that she was tortured for dowry.

Though, the allegation is there against the petitioner who is the husband, in view of the depositions given by the informant also as the family members coupled with the fact that he is in custody since 18.8.2022 (para-14 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Bhojpur at Ara, in connection with Agiaon Garhani P.S. Case No. 88 of 2020 subject to the following conditions:

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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