

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52017 of 2022

Arising Out of PS. Case No.-230 Year-2022 Thana- TAJPUR District- Samastipur

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1. BABLU DAS S/o Ram Sagar Das, R/o village - Gangapur, P.S.- Tajpur (Waini O.P.), Dist.- Samastipur.
 2. Ram Sagar Das S/o Late Baleshwar Das, R/o village - Gangapur, P.S.- Tajpur (Waini O.P.), Dist.- Samastipur. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

6 04-05-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Tajpur (Waini O.P.) P.S. Case No. 230 of 2022, registered for offence punishable under Section 302/34 of the Indian Penal Code.

As per allegation, the marriage of the deceased was solemnized with petitioner no. 1 ten years prior to lodging of the FIR. A son and a daughter were born out of wedlock of the couple. The allegation is that the accused persons committed her dowry death.



The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Petitioner no. 1 is husband and petitioner no. 2 is father-in-law of the deceased. The marriage was solemnized ten years prior to lodging of the FIR. The couple was blessed with a daughter and a son and after such a long time, there is no question of demand of dowry. He has also submitted that the deceased died due to asphyxia by hanging, which shows that she has committed suicide.

From perusal of the order of the learned court below it appears that the witnesses, in paragraph nos. 7, 8, 9 and 10 of the case diary, have stated that the husband of the deceased was a drunkard and he used to quarrel with his wife, but petitioner no. 2 appears to be innocent. As such, **the prayer for bail with respect to petitioner no. 2 is allowed. Let him be released on bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 230 of 2022, subject to the following conditions:-

- (i) The petitioner no. 2 shall cooperate in the disposal of trial and make himself available as and when required by the court.



(ii) If the petitioner no. 2 is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

So far as the **prayer for bail with respect to petitioner no. 1 is concerned, it is rejected.**

The stage of trial was called for, which has been received from the learned court below and it has been mentioned in that report that the case has been fixed for the evidences of prosecution witnesses, but it has not been mentioned in that report as to how many witnesses have been examined as yet.

The learned trial court is directed to take every endeavour to dispose of the case as expeditiously as possible.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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