

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58211 of 2023

Arising Out of PS. Case No.-459 Year-2022 Thana- ALAMGANJ District- Patna

Ranjan Kumar @ Bablu S/O- Late Bhola Prasad Mohalla- Pathari Ghat
Tripoliya inside the BNR gate Ps- Alamganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Alamganj P.S. Case No. 459 of 2022 registered on 26.06.2022 for the alleged offences under Sections 304(B), 34 of the I.P.C. and Section 3 of Dowry Prohibition Act.

3. As per prosecution case, the daughter of the informant was married with the petitioner in the year 2019. Further allegation against the petitioner is that he along with other co-accused persons used to torture the daughter of the informant on account of their demand of Rs. 2,00,000/-. On 09.06.2022, the daughter of the informant was killed by the petitioner and other co-accused persons.

4. The learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. It is evident from the F.I.R. that the daughter of the informant was brought to Tata Ward, PMCH, Patna for treatment by the husband of the deceased but she could not be saved. Learned counsel further submits that a number of medical documents have been annexed with the petition showing that the daughter of the informant was ill and was under treatment as she was having breathing problem. The ailment became serious and on fateful day, after the condition of the daughter of the informant deteriorated, she was taken to different hospitals and finally to the PMCH where she died. This shows that the petitioner made all efforts to save life of the daughter of the informant. The post mortem was done, but the same does not disclose the cause of death as the opinion has been reserved. There has been never any demand of dowry and subsequent torture as alleged in the F.I.R. So, no offence under Section 304(B)/34 of the I.P.C. and Section 3/4 of Dowry Prohibition Act are made out against this petitioner. Coming to know the real facts, the parties have compromised the matter and a joint compromise petition has been filed before the learned court below and a copy has been annexed with the present bail petition. Learned counsel further submits that the



witnesses examined during investigation have stated in paragraph nos. 12, 13, 40, 41 and 42 of the case diary about illness of the daughter of the informant. Learned counsel further submits that petitioner is in custody since 16.07.2023 and is having clean antecedent. The charge-sheet has been submitted in this case.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner is the husband of the deceased and death occurred within seven years of marriage and there is allegation against the petitioner and others for causing dowry death.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of the daughter of the informant dying a natural death and further considering the statement of witnesses recorded during investigation and also considering the period of custody of the petitioner along with his clean antecedent and submission of charge-sheet, 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 Chief Judicial Magistrate-1st,



Patna City in connection with Alamganj P.S. Case No. 459 of 2022, 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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