

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69968 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- KASMA District- Aurangabad

SONU MISTRY @ SONU SHARMA @ SONDEV SHARMA S/O LATE
SHIVAN MISTRY R/O VILLAGE- PARANPUR, P.S- KASMA, DISTT.-
AURANGABAD.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kasma P.S. Case No. 79 of 2023 dated 22.5.2023 registered for the offence punishable under Section 304-B/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with the son of the petitioner. Allegation is demand of Motorcycle by the co-accused husband and on non-fulfillment of his demand, the daughter of the informant was tortured variously. Lastly the daughter of the informant was killed on account of non-fulfillment of the demand and allegation is against co-accused husband and the mother-in-law



of the deceased apart from the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The daughter of the informant fell ill in the fateful night and she was treated by the local Doctor and this fact has been recorded by the police in the case diary during investigation. Informant was duly informed by the co-accused husband who came to the house of the petitioner and police was also informed. Thereafter, the police took the dead body for postmortem but Doctor did not give any opinion about cause of death and viscera has been preserved for forensic examination. The co-accused husband is in custody. The petitioner is in custody since 5.8.2023.

5. Learned APP has vehemently opposed the submission made on behalf of the petitioner submitting that it is a case of dowry death as death has occurred within seven years of marriage.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is doubt over the cause of death and the petitioner is father-in-law and husband is already in custody, the petitioner above named is directed to be released on bail on furnishing bail



bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection Kasma P.S. Case No. 79 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditons:-

(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 court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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