

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71160 of 2023

Arising Out of PS. Case No.-140 Year-2019 Thana- KALYANPUR District- East Champaran

Pawan Kumar Singh Son Of Satyendra Singh Resident Of Village -
Dharampur, Police Station - Kalyanpur, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 A supplementary affidavit has been filed on behalf of
the petitioner, which is taken on record.

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

03. In the present case, the petitioner seeks bail in
connection with Kalyanpur P.S. Case No. 140 of 2019 registered
on 16.06.2019 for the alleged offences under Sections
304(B)/34 of the Indian Penal Code.

04. As per prosecution case, the petitioner is the
husband of the deceased daughter of the informant and
allegation against the petitioner and other co-accused persons is
that they have been demanding a motorcycle and gold chain as
dowry from the informant and on non-fulfillment thereof, they
killed her daughter within seven years of her marriage.



05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not even present at the place of occurrence. Learned counsel further submits that at the time of occurrence the petitioner was in Delhi and this fact has been verified by the witnesses who were examined during investigation. There was no dispute between the husband and his wife. The wife of the petitioner committed suicide. The police has submitted Charge-sheet No. 75 of 2023 dated 22.07.2023 for the offence under Section 306 of the Indian Penal Code. The informant has filed a compromise petition in the learned court below on 10.12.2021 when she was thoroughly condemned by the persons from both sides for false implication of the petitioner. Learned counsel further submits that three witnesses have been examined before the learned trial court and two of them turned hostile and the informant in her cross-examination stated that she does not know to write and she put her thumb impression on a paper and she also stated that there was no demand of dowry or anything at any point of time and her daughter had been living in her matrimonial home in good manner. She has also deposed that death of her daughter was an accident. Even in her deposition, the informant put her thumb



impression. Learned counsel further submits that the F.I.R. itself is doubtful as it is in the same pen and handwriting and bears the signature of the informant, when she claims herself to be illiterate and put her thumb impression in all documents including her deposition before the learned court below. The petitioner is in custody since 01.06.2023. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the contradictory statement of the informant and possibility of false implication and further considering the period of custody of the petitioner, he 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, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 140 of 2019 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 for 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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