

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11531 of 2024

Arising Out of PS. Case No.-138 Year-2021 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Pankaj Kumar Tanti @ Pankaj Kumar, S/O Late Bano Tanti, R/O Village-
Bareba Tola Ward No. 15, P.S- Bakhiyarpur, Distt.- Saharsa.... ... Petitioner/S
Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 05-07-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Bakhtiyarpur P.S. Case No. 138 of 2021 giving rise to

Session Trial No. 40/2022 registered for the offence

under Sections 147, 341, 304(B), 149, 302/149, 120B,

201 of the Indian Penal Code and Section 3/4 of Dowry

Act.

3. The accused/petitioner is named in the F.I.R.

and is in custody since 06.06.2021.

4. The allegation against petitioner is to cause

death of daughter of informant, who is his wife, due to



non-fulfillment of demand of dowry, as raised for cash of Rs. 1 lacs by way of throttling and further, occurrence also alleged to be taken place, as petitioner developed illicit relationship with one Sunita Devi.

5. Learned counsel appearing on behalf of the petitioner submitted that present FIR was lodged after delay of about three days. It is pointed out that facial value of FIR is not suggesting that occurrence took place due to non-fulfillment of demand of dowry, as same also alleged to be taken place out of illicit relationship, and, as such, the prosecution of petitioner by lodging FIR for the offence under Section 304B of the Indian Penal Code appears bad in eyes of law. It is further submitted that petitioner is not the eye-witness of the occurrence, and therefore, the allegation as to commit murder of daughter of informant by way of throttling is also not convincing on its face. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and he is in custody for more than three



years, where matter is still pending for examination of prosecution witnesses.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as informant himself appears to have disputed the occurrence as dowry death on its exclusive note, coupled with the fact that petitioner is in custody since 06.06.2021, accordingly, petitioner above named, is directed to be released on bail in connection with Bakhtiyarpur P.S. Case No. 138 of 2021 giving rise to Session Trial No. 40/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saharsa/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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