

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26728 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- VIDYAPATINAGAR District- Samastipur

Jaswant Roy, Son of Nankhi Rai, Resident of Village- Kancha, Police Station-
Vidyapati Nagar (Ghatho O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Vidyapati Nagar (Ghatho) P.S. Case No.35 of 2023, registered for the alleged offences under Sections 304(B)/34 of the Indian Penal Code.

3. As per prosecution case, petitioner is the husband of the daughter of the complainant/informant and allegation against him is that of demanding a motorcycle and on non-fulfillment of demand causing dowry death of the daughter of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The fact is apparent from the report lodged by the mother



of the deceased, the informant of the present case, wherein she stated that the deceased was mentally sick and she committed suicide and no one was guilty. However, it appears that on instigation of some persons with ulterior motive she filed another report before the court of learned J.M. 1st Class which was sent to the police for lodging the F.I.R. and consequently the present case came to be lodged. Learned counsel further submits that there was a child to the lady and said child is with the family of the petitioner. Subsequently, the informant compromised the matter and filed a compromise petition in the court of learned A.C.J.M., Dalsingsarai. Learned counsel further submits that witnesses examined during investigation have stated about the wife of the petitioner committing suicide by hanging herself from ceiling through her *saree*. They have also stated about the deceased being under some depression. The petitioner is in custody since 19.06.2023 and the petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner is the husband and marriage was solemnized in the year 2020 and death occurred soon thereafter.

6. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the vary stances of the informant and also the doubtful nature of accusation, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Dalsingsarai, Samastipur in connection with Vidyapati Nagar (Ghatho) P.S. Case No. 35 of 2023, subject to 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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