

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31730 of 2024

Arising Out of PS. Case No.-472 Year-2022 Thana- KHIJARSARAI District- Gaya

Kaushal Kumar @ Lalu, Son of Binod Sao, Resident of Village - Horma,
Police Station - Khizersarai, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate
		Mr.Aryan Singh, Advocate
For the State	:	Mr.Bhanu Pratap Singh, Advocate
For the Informant	:	Mr. Ravi Bhardwaj, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Khizersarai P.S. Case No. 472 of 2022, registered for the alleged offences under Sections 304(B)/201/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner was married with the daughter of the informant and allegation against the petitioner and other co-accused persons is of causing dowry death of the daughter of the informant and making the evidence disappeared.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The daughter of the informant committed suicide and this fact has come in the statement of witnesses recorded during investigation. Even the son-in-law of the informant has accepted this fact. The whole prosecution story is doubtful as it has been recorded in the FIR that the information was received on 19.12.2022 about the occurrence and the FIR was registered on 20.12.2022, but the written report on the basis of which FIR has been registered, carries the date 21.12.2022 below the signature of the informant. This shows due deliberation and false implication by the informant. The learned counsel further submits that the informant was given information about the death of his daughter on 19.12.2022 and he came and participated in the cremation process and after two days of the occurrence, this false case has been lodged to harass the family of the petitioner. The learned counsel further submits that due to petty quarrel over attending some birth day party by the petitioner, which was opposed by the deceased, the deceased committed suicide. Even the villagers of the petitioner have stated that the death occurred due to hanging. The petitioner is in custody since 13.01.2023 and other co-accused persons have been granted bail by this Court as well as other coordinate Bench. The learned counsel further submits that the petitioner is



having clean antecedent. The charge sheet has been submitted in this case.

5. Learned APP as well as learned counsel for the informant oppose the submission made on behalf the petitioner. The learned counsel for the informant submits that in the written report itself, the informant has stated about giving information to the police on 19.12.2022 and the FIR has been registered on 21.12.2022 as it appears from bare perusal of the FIR. However, under some mistake, the date of registration of FIR has been mentioned and one place as 20.12.2022. The learned counsel further submits that the witnesses examined during investigation have supported the prosecution case and even the son-in-law of the informant has stated that the daughter of the informant was killed by her in-laws and her dead body was cremated somewhere and this fact was disclosed by the villagers. The learned counsel further submits that the deceased was pregnant when she died.

6. Perused the record.

7. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the discrepancies in the FIR and further considering the doubtful nature of allegation against the petitioner and also considering the period of custody of the petitioner and submission of charge sheet along with his clean antecedent, 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 Chief Judicial Magistrate-IV, Gaya, in connection with Khizersarai P.S. Case No. 472 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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