

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46415 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- PIRPAINTI District- Bhagalpur

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Vishal Kumar @ Vishal Sharma son of Sri Pawan Sharma Village- Manikpur
Ps- Pirpanti Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Pirpanti P.S. Case No. 208 of 2024 instituted for the offences
under Sections 304B/34 of the Indian Penal Code.

3. Prosecution case, in short, is that, this petitioner
along with other family members has burnt to death the
informant's daughter due to non-fulfillment of the demand of
dowry.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel further submitted that there is a
delay of 7 days in lodging the FIR without plausible



explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that petitioner was leading a happy conjugal life and from the said wedlock he has one son. Learned counsel further submitted that no dowry was demanded even at the time of marriage and in fact, the marriage took place as per vedic ritual. Learned counsel further submitted that petitioner or his family members never demanded any dowry nor tortured the victim. Learned counsel further submitted that police, after investigation, submitted charge-sheet under Section 306 of the Indian Penal Code. Learned counsel further submitted that no case is made out against the petitioner even under Section 306 of the Indian Penal Code. Learned counsel further referring to paragraph no. 16 of the case diary contended that the informant of this case, in her re-statement, has totally contradicted the version of the FIR. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.05.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that in paragraph no. 18 of the case diary, witness Megha Singh has stated the deceased herself told her that she was tortured by this petitioner. Learned counsel further



submitted that as per post-mortem report, the cause of death is burn injury and its complications.

6. Considering the aforesaid facts and circumstances of the case, and taking into account the re-statement of the informant, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pirpainti P.S. Case No. 208 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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