

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9160 of 2024

Arising Out of PS. Case No.-83 Year-2018 Thana- PARWALPUR District- Nalanda

Dharmveer Patel, aged about 36 years, Male, S/o Late Awadhesh Singh, R/o Village- Astupur, P.S.- Parwatpur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-02-2024 Heard Mr. Raghwendra Singh, learned counsel appearing on behalf of the petitioner and Mr. Arbind Kumar Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Parwalpur P.S. Case No. 83 of 2018 dated 21.06.2018 registered for the offence punishable under Sections 304 (B), 201 and 34 of the Indian Penal Code.

3. Prosecution story in brief, is that, petitioner, who is the husband of the deceased, along with his family members used to torture and pressurize the daughter of the complainant which resulted into death of daughter of the complainant.

4. Learned counsel appearing on behalf of the petitioner submitted that on 30.12.2014, petitioner and his wife (deceased) had met with an accident while they were coming on motorcycle in which, wife of the petitioner had died on spot.



Petitioner had informed the police by lodging an FIR on 01.01.2015 in which charge-sheet has been submitted against unknown on 30.12.2015. In absence of any allegation or any record with respect to demand of dowry and torture any time prior to the death of the wife of the petitioner, no case under Section 304(B) is made out. Learned counsel further submitted that allegation as alleged in the complaint on which basis, the learned District Court under Section 156 (3) Cr.P.C. had directed for lodging of the FIR and for investigating into the matter. The Investigating Officer had submitted final form on 14.03.2019 and the petitioner, even being innocent, is facing prosecution. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, on perusal of the complaint and the FIR lodged, there is no reference of the alleged incidence, which had taken place on 30.12.2014 for which, the petitioner had lodged an FIR on 01.01.2015 and by not mentioning the said fact, a complaint was lodged by the father of the deceased after six days. Investigating Officer, on the basis of material



collected had submitted final form on 14.03.2019 having found petitioner innocent and also considering the fact that the police had submitted charge-sheet in FIR with respect to Noorsarai P.S. Case No. 02 of 2015 on 13.12.2015 against unknown. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Hilsa Nalanda, in connection with Parwalpur P.S. Case No. 83 of 2018 dated 21.06.2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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