

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71479 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- BELAGANJ District- Gaya

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Anandi Pandit Son of Late Nanhaku Pandit @ Late Nanhaku Prajapat Village-
Shripur, Ps- Belaganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma, Advocate

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

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

ORAL ORDER

5 22-01-2025 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in Belaganj P.S. case
No. 160 of 2024 instituted for the offences under Sections
304(B), 120(B), 364 and 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the
accused persons including the petitioner have committed
murder of the daughter of the informant on account of non-
fulfillment of demand of dowry. The informant further
alleged the accused persons have also kidnapped minor son
of deceased aged about 5 years.

4. Learned counsel for the petitioner submits that



the petitioner has falsely been implicated in the present case. The petitioner is husband of the deceased. Learned counsel for the petitioner submits that there is delay of two days in lodging the F.I.R. for which there was no plausible explanation. General and omnibus allegation has been made against the accused persons including the petitioner. Earlier, no case was lodged against the petitioner and his family members of torturing the victim. In fact, the deceased has committed suicide for which information was given by the petitioner to the informant and the family members of the informant's side were present at the time of funeral of the deceased. Learned counsel for the petitioner further submits that there is no ingredient of Section 364 of the Indian Penal Code as the petitioner is himself the legal guardian of his minor son. Further, the deceased died after seven years of marriage, hence, no case is made out under Section 304(B) I.P.C. The post-mortem report suggests that the deceased died of asphyxia. The police, after completion of investigation, submitted charge-sheet under Section 306 of the Indian Penal Code. The petitioner is in custody since 20.05.2024 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. There is allegation of torturing against the petitioner and other accused persons. Considering the allegation, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the charge-sheet being submitted under Section 306 of I.P.C., 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 Belaganj P.S. case No. 160 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.

(III) The petitioner will not hamper the trial or temper with any prosecution evidence. If he is found involved in such incidence, the prosecution shall have liberty to take steps for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

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