

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78870 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- SIMRI District- Darbhanga

Pappu Das @ Pappu Kumar Das son of Late Laxman Das village- Basatwara
Dih tola, Ps- Simri, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar, Adv

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Simri

P.S. Case No. 162 of 2023 registered for the offences under

Sections 304 B and 34 of the Indian Penal Code.

3. The petitioner is named in the F.I.R. and is in

custody since 21.06.2024.

4. The allegation against the petitioner is to cause

death of daughter of informant alongwith other co-accused

persons/family members due to non-fulfillment of demand of

dowry as raised for cash of Rs. 50,000/- and also for some

gold.

5. As per FIR the marriage of petitioner with



deceased daughter of informant was solemnized on 26.04.2021. Learned counsel appearing on behalf of the petitioner submitted that from the face of FIR it nowhere appears that the demand of dowry was raised soon before the occurrence. It is submitted that this fact also not appears during the course of investigation which is now completed. It is submitted that in absence of such demand no case as alleged made out for the offence committed under Section 304B of the IPC. It is also submitted that the wife of petitioner was a short tempered lady and due to domestic differences, she committed suicide. It is submitted that it is not a case of physical assault soon before the occurrence and this fact appears corroborating with the autopsy report as except ligature mark around the neck no mark of injury was noticed upon body of the deceased. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.



7. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as demand of dowry prima-facie not appears proximate *qua* occurrence from the face of FIR, where autopsy report failed to suggest any physical assault, suggesting prima-facie that victim was not assaulted physically at the time of occurrence, where cause of death as opined is hanging, coupled with the fact as petitioner is in custody since 21.06.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Simri P.S. Case No. 162 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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