

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80126 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- SARMERA District- Nalanda

Paras Pandit, S/o Late Viru Pandit @ Biru Pandit, R/o - Dhanuki, P.S -
Sarmera, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-02-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner who is in custody in connection with Sarmera P.S. Case No. 165 of 2024 registered for the offence punishable under Sections 80(2), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2024.

3. The marriage of the sister of the informant was solemnized with the son of the petitioner on 25.04.2021. After living peacefully for few months, the victim was subjected to demand of dowry and on account of non-fulfillment of the same, she was tortured in various ways and finally done to death.

4. Learned Advocate appearing on behalf of the



petitioner drawing the attention of this Court to the narrations made in the F.I.R. contended that it is admitted fact that information was given to the informant with regard to the unfortunate incidence on 02.08.2024, whereupon they rushed to the matrimonial home of the deceased. However, the present F.I.R. has been instituted on 07.08.2024. The petitioner is none else, but the father-in-law of the deceased and there is omnibus nature of allegation against all the accused persons. The post-mortem report clearly suggest that cause of death was asphyxia due to anti-mortem hanging. There is no external injury over the body of the deceased which also suggest that she was not subjected to any violence. It is lastly contended that the petitioner has no concern with the day to day affairs of deceased and her husband and, in fact, on the alleged date of occurrence, on account of some trifle, she committed suicide. Moreover, the investigation of the crime is complete and the chargesheet has been submitted. The petitioner is incarcerated since 29.08.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner being father-in-law of the deceased; there is allegation of demand of dowry and torture; and the death took place within three years of the marriage, the possibility of dowry death cannot be ruled out.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is father-in-law of the deceased and there is omnibus nature of allegation coupled with the post-mortem report which suggest the cause of death is asphyxia due to hanging, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 165 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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