

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29085 of 2017

Arising Out of PS.Case No. -398 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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1. Mritunjay Singh @ Munna @ Munu Son of late Krishna Singh Resident
of Village- Amlori, P.S. Siwan Muffasil, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 30-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.10.2016 in connection with Sessions Trial No. 208 of 2017,
arising out of Siwan Muffasil P.S. Case No. 398 of 2016 for
offences punishable under Sections 304-B/34 of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case, as lodged by the informant, is
that her daughter Anu Devi (deceased) was married to the
petitioner in the year 2010 and was blessed with two daughters but
due to non-fulfillment of demand of dowry she was tortured and
killed by the petitioner.

It has been submitted by the learned counsel for the



petitioner that he is innocent, the deceased was the second wife, first wife was sister of the deceased and their marriage was a love marriage. He submits that the marriage was solemnized in the year 2009 as stated by the witnesses, hence, Section 304-B of the Indian Penal Code will not be attracted. He further submits that there was no demand of dowry at any point of time and he has been falsely implicated. It is further submitted that trial is going on and he undertakes to cooperate and appear during trial.

However, learned APP for the State opposes the prayer for bail stating therein that the witnesses have supported the prosecution case and the post mortem report also suggests death due to asphyxia by hanging.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of one year in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 5th Addl. Sessions Judge, Siwan, in connection with Sessions Trial No. 208 of 2017, arising out of Siwan Muffasil P.S. Case No. 398 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an



affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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