

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13997 of 2019

Arising Out of PS. Case No.-36 Year-2018 Thana- MEHANDIA District- Jehanabad

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Birbal Rajbanshi S/o Ramadhar Rajbanshi Resident of village-Rajkharsa, P.S-
Mehndia, District -Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr.Manish Kumar No.2, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 14-05-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offence punishable under Section 304B of the Indian Penal
Code.

The petitioner is in custody since 02.06.2018. The
petitioner is husband of the victim of dowry death. Wife of the
petitioner died within seven years of marriage in unnatural
circumstances in her matrimonial house. Allegation is of
demand of dowry and torture for the same. Other witnesses
have also supported the allegation of demand of dowry and
torture for the same.

Submission is that Mukhiya has granted certificate



that at the time of death of the wife of the petitioner, petitioner was doing work at some different place.

Presence of the petitioner at the time of occurrence is not necessary to constitute the offence of dowry death.

Considering the entire facts, let the petitioner, above named, be released on bail **after framing of the charge** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Mehndia P.S. Case No.36 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below having immovable property in his name.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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