

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13358 of 2019

Arising Out of PS. Case No.-141 Year-2018 Thana- BENIPATTI District- Madhubani

MUNNE BABU @ HAIDER son of Md. Hasan R/o vill. Makiya P.S.
Benipatti, Dist. Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 09-07-2019 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner seeks bail in Benipatti P. S. Case No.
141 of 2018 instituted for the offence under Section(s) 498A,
304B/34 of the Indian Penal Code.

Learned counsel for petitioner submits that petitioner
is husband of deceased. He has himself informed the family
members of the deceased about her death. He further submits
that he has performed all the rituals after the death of deceased
and just after completion of the work after 40th day, he has
voluntarily surrendered in Court. He further submits that
petitioner is in custody since 01.09.2018.

It is alleged in the written report that on the date of
occurrence the petitioner informed the informant on telephone



that his daughter has died. On getting this information, informant went to the house of petitioner and found the injury on neck, back etc. The informant learnt that this petitioner along with other family members had committed murder of his daughter for non fulfillment of demand of dowry.

Learned counsel for petitioner submits that in the case diary independent witnesses in paragraph nos. 16 and 17 have stated that victim was of bad temperament. She has committed suicide. In the postmortem as well as inquest report, no injury was found on the body of deceased. The death has been opined by doctor Asphyxia due to hanging. Learned counsel for petitioner has enclosed the Medical prescriptions as Annexure-3 to bail petition to show that the girl was under treatment of doctor for her mental disease.

Learned counsel for the informant has appeared and submitted that in paragraph nos. 5 and 6 of the case diary witnesses have supported the allegation of demand of dowry. He further submits that trial has commenced and one of the witness has already been examined. He further submits that in paragraph no. 4, it has been stated that injuries were found on the person of the deceased.

Learned APP for the State has submitted that in



paragraph nos. 5 and 6 of the case diary witnesses have stated that petitioner used to make demand of dowry. In this manner, there is general and omnibus allegation raising suspicion that petitioner along with other family members has killed the deceased.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Madhubani, in connection with Benipatti P. S. Case No. 141 of 2018 subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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