

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46520 of 2019

Arising Out of PS Case No.-154 Year-2017 Thana- REVILGANJ District- Saran

Khushwant Kumar Manjhi @ Sonu Kumar @ Sonu Manjhi @ Sonu Kumar Manjhi, aged 30 years, Male, Son of Amrika Manjhi Resident of Village - Nawada P.S.- Revilganj, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 18-12-2019

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Revilganj PS Case No. 154 of 2017 dated 21.06.2017 instituted under Sections 304B/34 of the Indian Penal Code.

3. This is the second attempt of the petitioner for bail as earlier such prayer was rejected on 04.12.2018 by a co-ordinate Bench in Cr. Misc. No. 53734 of 2018.

4. The allegation against the petitioner and five other family members is of poisoning his wife, who was sister of the informant, resulting in her death.



5. Learned counsel for the petitioner submitted that the marriage took place on 09.05.2017 and death occurred on 20.06.2017 i.e., after little over one month, which clearly indicates that there could not have been any foul play. It was submitted that in the FIR itself, the allegation is that the petitioner had demanded one LED TV and fridge and had threatened that non fulfillment would lead to the wife being sent away from the matrimonial home. It was submitted that within such a short time, the wife would not have been killed without giving sufficient time for fulfillment of the demand, if it was true. Learned counsel submitted that the falsity of the FIR would be apparent from the fact that the allegation is that on 20.06.2017 at 1:00 PM, the petitioner is alleged to have called the informant and made the demand stating that if the same was not fulfilled then the informant should take back her sister to his house. Thus, it was submitted that the same evening such incident could not have taken place because for fulfillment of the demand, at least some reasonable time would have been given. Learned counsel submitted that the deceased was not satisfied with the marriage and committed suicide and it was the petitioner and his family members, who had taken her to the hospital. Learned counsel submitted that the petitioner is in custody since 20.05.2018. It was



further submitted that in the postmortem, no external or internal injury has been found and the viscera was sent for examination. It was, thus, submitted that the petitioner or his family members are not responsible for the death of the petitioner's wife.

6. Learned APP, from the case diary, submitted that the petitioner being the husband and death having occurred in the matrimonial home is responsible for the same.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 8th Saran at Chapra in Revilganj PS Case No. 154 of 2017.

8. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

