

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 41632 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- BAHERI District- Darbhanga

Manoj Das @ Manoj Kumar Das, Male, Aged about 39 years, Son of Late Madan Das, Resident of Village/Mohallah- Dubauli (Baghauni), P.S.- Baheri, District- Darbhanga (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 27-09-2019 Heard learned counsel for the petitioner as well as the learned APP.

Petitioner seeks bail in a case registered under Sections 304B/34 of Indian Penal Code.

Petitioner is husband of the victim. It is submitted that from the First Information Report (for brevity, FIR) itself, it is evident that the date of marriage, so as to establish the requisites of Section 304B of Indian Penal Code have not been mentioned in the FIR. In fact, the marriage was solemnized eight years prior to the occurrence. It is submitted that the victim died three days after consuming poison by accident. She died after treatment in the Hospital where she was with the informant for three days. The FIR has been lodged only after



three days and after lodging the FIR, a joint compromise petition (Annexure 3) has been filed in the Court below on realization of the accusations having been made mistakenly. The joint compromise petition bears thumb impression of the petitioner, identified by the official of the Jail in Darbhanga.

Learned APP submits that the petitioner, being husband and the offences being under Section 304B of IPC, the privilege of bail should not be allowed.

Having considered the submission, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IX, Darbhanga in Baheri Police Station Case No 11 of 2019 with the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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