

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52320 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- MUSAHARI District- Muzaffarpur

MUKESH RAI, aged about 30 years, male, Son of Bindeshwar Rai @ Bhuil Rai, Resident of Village- Manika, Harikesh, P.S.- Mushari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukund Mohan Jha
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava
For the informant	:	Mr. Amresh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 04-12-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 304 B, 201, 34 of the Indian Penal Code.

Informant is brother of deceased who in his written complaint has stated that his sister Priyanka Kumari was married to the petitioner in the year 2013 and gifts and presents were given at the time of marriage and from said wedlock, two sons were born. It has further been alleged that there was demand of dowry of car and for non-fulfillment of which, she was being tortured. On 19.10.2018, she went to her matrimonial home and on 06.11.2018 he received information that her sister along with her son has been killed by the FIR named



accused including the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. There was never demand of any dowry and out of anger and anguish, she committed suicide by drowning in the river. In the postmortem report also, no external injury has been found and cause of death has been attributed to asphyxia caused by drowning. Petitioner has no criminal antecedent and is in custody since 19.11.2019.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mushari P.S. Case No. 258 of 2018 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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