

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.64495 of 2018**

Arising Out of PS. Case No.-156 Year-2018 Thana- MASAUDHI District-  
Patna

=====

Vinay Kumar S/o Suresh Prasad, Resident of Village- Bibipur, P.S.  
Masaurhi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Gauri Shankar Prasad, Advocate.

For the Opposite Party: APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

3      08-01-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest for the offences  
alleged under Sections 498(A), 304(B), 120(B) of the Indian  
Penal Code and Section 3/4 of the Dowry Prohibition Act  
registered in connection with Masaurhi P.S. Case No. 156 of 2018.

3. It is submitted that the petitioner has been falsely  
implicated merely because he happens to be the husband of the  
deceased. It is stated that the petitioner was married to the  
deceased in the year 2010, and as such the ingredients of Section  
304(B) are not attracted inasmuch as the deceased is said to have  
died on 10.03.2018 after seven years of marriage. It is submitted  
that the F.I.R. has been instituted merely on suspicion and there is  
no internal or external injury whatsoever. The petitioner as



Senior Section Engineer at Gaya loco office was on duty between 3.00 P.M. to 11 P.M. on the date of occurrence. On reaching home after duty he found his wife unconscious and with the help of his land lord he brought to the Railway Hospital, Gaya where she was admitted and subsequently referred to A.N.M.C. Gaya.

4. Learned APP refers to paragraph-45 of the case diary, according to which charge sheet has been submitted under Section 302 of the Indian Penal Code and allied sections.

5. A perusal of the case diary discloses that witnesses have supported the stand of the petitioner. Learned APP has not been able to point out any adverse material against the petitioner from the case diary. A copy of the viscera report received from the Forensic Science Laboratory, Patna discloses that no Metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile poison could be detected.

6. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri B.N. Tripathy, learned Judicial Magistrate Ist Class, Masaurhi, Patna in connection with Masaurhi P.S. Case No. 156 of 2018, subject to the conditions as laid down under



Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

**(Vikash Jain, J)**

Ibrar/BT

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