

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13731 of 2021

Arising Out of PS. Case No.-582 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Sudhanshu Rai, S/O Sunil Rai @ Sunil Kumar, R/O Village-Shahajadpur
Jitwar, P.S-Hajipur Sadar, District-Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 24-09-2021 The matter has been taken up today for
consideration through video conferencing.

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

The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No.582 of 2019 registered for the offence
punishable under Section 304B/34 of the Indian Penal Code.

Informant has received a telephonic intimation that
his daughter has been killed by throttling. The allegation is that
the same is for non-fulfilment of demand for dowry. Petitioner is
the husband of the victim and he is stated to be in custody since
16.06.2020.

The counsel for the petitioner submits that as per the
post-mortem report (Annexure 2 of the petition), there is no



external injury found on the body of the victim. The cause of death was kept reserved to be determined after receipt of the report from the Forensic Science Laboratory regarding the viscera of the victim. The same was therefore requisitioned by this Court and has been received. It appears from the result of the examination that no Matallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison could be detected in the examination.

The submission is that the allegation of throttling is belied by the post-mortem report wherein no ante-mortem injuries were found, and it is submitted that the victim has suffered a natural death after having suffered a chest pain attack.

Learned APP for the State has opposed the prayer for bail. It is submitted that being husband and having regard to the allegations in the F.I.R., the presumption of guilt arises against the petitioner in terms of Section 304B of the Indian Penal Code.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.



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 learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No.582 of 2019, subject to the following conditions:

(i) 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.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks



from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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