

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34695 of 2020**

Arising Out of PS. Case No.-35 Year-2018 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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SUMAN KUMAR @ SUMAN KUMAR YADAV Son of Sukhdeo Yadav
Resident of Village - Rahicha, P.S.- Shekhopur Sarai, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed. Rizwanul Haque
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-03-2021 The matter has been listed at the instance of the

petitioner under the heading ‘To Be Mentioned’.

It has been pointed out on behalf of the petitioner that
vide order at Sl. No. 3 dated 03.03.2021, the petitioner Suman
Kumar @ Suman Kumar Yadav was granted regular bail but
inadvertently, the following order was recorded:

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

The petitioner is apprehending his arrest in a
case registered under Sections 302, 201 and 34 of
the Indian Penal Code.

Allegation against the accused persons is of
committing torture and assault and thereafter caused
death of the victim due to non-fulfilment of demand
of dowry.

It has been submitted on behalf of the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Earlier, the case was instituted for offence under section 302 IPC but charge-sheet was submitted under section 304(B) and other allied sections of the Indian Penal Code. It has been submitted on behalf of the petitioner that in paragraph 25 of the Case Diary, it is stated that the deceased is said to have committed suicide. Hence, no offence under section 304(B) IPC is made out. At best, it is a case for offence under section 306 IPC.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Shekhopur Sarai P.S. Case No. 35 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.”

From perusal of the record, it appears that the learned counsel for the petitioner is correct in his submission.

The order dated 03.03.2021 is corrected to be read as follows:

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

The petitioner seeks bail in a case instituted for the



offences under Sections 302, 201 and 34 of the Indian Penal Code.

Allegation against the accused persons is of committing torture and assault and thereafter caused death of the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.07.2020 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. Earlier, the case was instituted for offence under section 302 IPC but charge-sheet was submitted under section 304(B) and other allied sections of the Indian Penal Code. It has been submitted on behalf of the petitioner that in paragraph 25 of the Case Diary, it is stated that the deceased is said to have committed suicide. Hence, no offence under section 304(B) IPC is made out. At best, it is a case for offence under section 306 IPC.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on



bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Shekhopur Sarai P.S. Case No. 35 of 2018.

The order dated 03.03.2021 is modified/clarified to the extent indicated above.

(Sudhir Singh, J)

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