

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3968 of 2021

Arising Out of PS. Case No.-431 Year-2017 Thana- AGAMKUAN District- Patna

MANISH KUMAR son of Arun singh @ Arun Kumar Singh Resident of Village- Wiman, P.S.- Ariyari, District- Sheikhpura, at present Baudh Vihar colony c/o Harendra Prasad, near Panchvati Mandir, P.S. Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
For the State	:	Mr. Harendra Prasad
For the informant	:	Mr. Sanjeev Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-06-2021 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through Video Conferencing.

The petitioner seeks regular bail in connection with Sessions Trial No. 151 of 2018, arising out of Agamkuan Police Station Case No. 431 of 2017, registered for the offence punishable under Sections 328/304-B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

This is the third attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected twice by this Court, the last occasion, vide order, dated 28.05.2020, passed in Criminal Misc. No.



49503 of 2019, with observation that the petitioner may renew prayer for bail if the trial is not concluded within four months.

The allegation against the petitioner is that the informant's daughter was married to the petitioner in the year 2016, but subsequently the petitioner and other family members started demanding Rs. 5,00,000/- as dowry and due to non-fulfillment of the said demand, the daughter of the informant was poisoned by all the accused persons.

Learned Counsel for the petitioner submits that the petitioner is the husband of the deceased and is in custody since 13.11.2017, i.e. for more than three-and-a-half years.

This Court, vide order, dated 19.03.2021, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 1st Additional Sessions Judge, Patna City, and from perusal of the same, it appears that out of six witnesses, three witnesses have been examined and three witnesses are yet to be examined and the Trial Court has given the estimated time for disposal of the trial within nine months.

On the other hand, learned Counsel for the informant and learned Additional Public Prosecutor vehemently oppose the prayer for bail and submit that the petitioner is the husband



of the deceased, who has committed the present offence due to non-fulfillment of demand of dowry and from perusal of the viscera report, it appears that poison was found in the body of the deceased and the deceased died unnatural death within one year of the marriage.

After having heard learned Counsel for the parties and taking into consideration the observation made in the order, dated 28.05.2020, passed in Criminal Misc. No. 49503 of 2020 and the fact that the petitioner has remained in custody for more than three-and-a-half years, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Patna City, Patna, in connection with Sessions Trial No. 151 of 2018, arising out of Agamkuan Police Station Case No. 431 of 2017.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be



cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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