

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8223 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- BARURAJ District- Muzaffarpur

Arun Bhagat aged about 28 years (Male), S/O Paras Bhagat R/O Village-
Gosaipur, P.S Baruraj, District Muzaffarpur Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Baruraj P.S. Case No. 67
of 2020, registered for the offence under Section 304(B) of the
Indian Penal Code.

As per the prosecution case, the daughter of the
informant was married with this petitioner more than seven
years ago and out of the wedlock, she was blessed with two
daughters. It is further alleged that 8-9 months before the
occurrence, the petitioner made a demand of motorcycle and
she-buffalo, as dowry, from the informant and due to non-
fulfillment of the same, on 25.04.2020, some quarrel took place
between the petitioner and the deceased (daughter of the
informant) and thereafter, in absence of petitioner, the deceased
consumed some poisonous thing used to preserve the wheat and



during course of treatment, she died.

It is submitted on behalf of petitioner that no case under Section 304(B) of the I.P.C. is made out against this petitioner, as the petitioner was married with deceased more than seven years back and as per FIR, it is evident that the deceased herself had consumed poison and petitioner tried his best to save the life of deceased. The autopsy report also reveals that no ante-mortem injury has been found on the person of the deceased. It is further submitted that in this case, police has submitted chargesheet under Section 306 of the I.P.C., not under Section 304(B) of the I.P.C. Petitioner has got clean antecedent and he is in custody since 15.06.2020.

Learned A.P.P. for the State has opposed the bail application and submitted that daughter of the informant (deceased) was subjected to harassment and cruelty by the petitioner due to demand of motorcycle and she-buffalo.

However, considering the aforesaid facts & circumstances and the fact that police has submitted chargesheet under Section 306 of the I.P.C. against the petitioner as well as period of custody, the bail application of petitioner is allowed. Let the above named petitioner 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 learned Judicial Magistrate 1st Class, Muzaffarpur (Shree Mahendra Mishra - JM) in connection with Baruraj P.S. Case No. 67 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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