

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8994 of 2021

Arising Out of PS. Case No.-278 Year-2020 Thana- TARAIYA District- Saran

RABINDRA MANJHI SON OF LATE CHANDRA DEO MANJHI
VILLAGE- PACHBHINDA, P.S. TARAIYA, DISTRICT- SARAN
(CHAPRA), BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kapil Deo Singh, Adv

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 18-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Taraiya P.S. Case No. 278 of 2020 registered under Sections 304B and 34 of the Indian Penal Code.



The informant has alleged that his daughter was married to the petitioner about a year back. She has been done to death by setting her blaze at her in-laws' house. There is allegation of demand for dowry, soon before the un-natural death has occurred, therefore the case has been lodged under Section 304B.

The Petitioner's counsel submits that the victim has died due to burn injuries sustained in an L.P.G. cylinder leakage in the course of preparing meal. His submission is that the petitioner also has sustained substantial burn injuries in the process and has been arrested along with the burn injuries on his body which fact has been taken note of by the I.O. who has arrested him. It is submitted that the petitioner has been in custody since 12.8.2020.

The learned APP has submitted that all the ingredients of the offence under Section 304B are made out from the allegations. The presumption is raised against the petitioner being husband owing prime responsibility towards the safety and dignity of his wife. He, however, cannot deny the fact that the gas cylinder which allegedly leaked has been found in the courtyard of the house. In the case diary it has also come that the petitioner was also arrested with substantial burn injuries



and there is no trace of any kerosene oil having been used to set a blaze the victim. Having said so he opposes the prayer for bail based on the presumption against the petitioner by virtue of his relationship as husband.

In the aforesaid facts and circumstances, on consideration of the rival submissions having regard to the fact that the petitioner also has sustained substantial injuries and the cylinder, which as per petitioner's submissions, has leaked causing the burn injuries on his wife, has also been found in the courtyard where the dead body of the victim was found, the Court is inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is allowed. Let 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 A.C.J.M., 1st, Saran at Chapra in Taraiya P.S. Case No. 278 of 2020, 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.

The petitioner however under legal obligation to facilitate the trial to cooperate by appearing on each and every date.

(Madhuresh Prasad, J)

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