

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3246 of 2022

Arising Out of PS. Case No.-878 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Sonu Kumar Son Of Bindeshwar Rai Resident Of Village- Nazirpur, P.S.-
Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 878 of 2020, registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

The prosecution story as emerges from the FIR is
that the petitioner along with other co-accused persons had
killed the deceased on account of non-fulfillment of demand
of dowry.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in



this case. She further submits that the accused-petitioner is the husband of the alleged victim but she submits that there was love marriage between the alleged victim and the present petitioner and there is no question of any torture on account of demand of dowry. She further submits that the victim had committed suicide. She also submits that investigation in this case is complete and charge-sheet has already been submitted. However, charge has not been framed.

The petitioner has been languishing in jail since 18.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in four more cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that alleged victim has become victim of dowry death because as per the allegation there is demand of



dowry and torture of the victim on non-fulfillment of the same and post-mortem report shows that the victim has died on account of asphyxia as a result of ante-mortem drowning and even if she had committed suicide, it comes under Section 304 B of the Indian Penal Code.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 878 of 2020, **after framing of charge**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.



(Jitendra Kumar, J)

ramesh/-

U		T	
---	--	---	--

