

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14097 of 2022

Arising Out of PS. Case No.-956 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Mani Kant Jha Son Of Late Uma Kant Jha Resident Of Village Gotam Nagar
Ward No. 11, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s :	Mr. Uday Pratap Singh, APP
For the Informant/s :	Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-10-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Chandra Mohan Jha, learned counsel for the petitioner as well as Mr, Sumiran Rai, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Saharsa P.S. Case No. 956 of 2021 for the offences punishable under Sections 304B, 302,120B, 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the sister of the informant was solemnized with



Suman Kumar Jha on 10.06.2019 and soon thereafter, the victim was subjected to torture for demand of dowry of Rs. 5,00,000/-. It is further alleged that a settlement had also been arrived at between the parties with mutual consent, but the accused persons kept on continuously tortured the victim. It is further alleged that on 14.12.2021, the informant received an information that the victim was done to death by the accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner happens to be father-in-law of the deceased and there is general and omnibus allegation against all the accused persons including the petitioner. Learned counsel for the petitioner has also drawn the attention of this Court to the petition filed by the deceased wherein she has categorically stated that the marriage was an ideal marriage and the allegation of torture for demand of dowry is incorrect and false and she lived happily in her *sasural* with in-laws. It is further submitted that prior to the alleged occurrence a partition was also taken place in amongst the two sons of the petitioner and they have been living separately. It is next submitted that on the alleged date of



occurrence, the petitioner and his wife were not even present in the house and they have gone to attend *Sharadh* ceremony and this fact has also been supported by the several villagers and in support of their submission a public petition has also been filed which is brought on record by way of Annexure-3 to this petition. It is next submitted that considering the aforesaid aspect of the matter mother-in-law of the deceased had already been granted bail in Cr. Misc. No.14113 of 2022 vide order dated 12.07.2022 by this Court. While concluding his submission he lastly submits that the petitioner is in custody since 15.12.2021.

On the other hand, learned counsel for the informant vehemently opposed the bail application and submits that in fact on the fateful day the deceased was living with her in-laws persons and the post mortem report clearly suggest some foul play as the deceased has also sustained some injuries. Learned counsel for the State also opposed the bail application and submits that at the time of alleged occurrence, the husband of the deceased was in Kashmir and it is only the petitioner and his wife, who were present along with the deceased.



Regard being had to the submission made on behalf of the parties and considering the materials available on record as also the letter of the deceased and the public petition showing the fact that the petitioner and his wife were not present at the time of occurrence and the petitioner being father-in-law is in custody since. 15.12.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S.Case No. 956 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive



dates without any cogent reason, his bail bonds will liable
to be cancelled.

(Harish Kumar, J)

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