

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19879 of 2022

Arising Out of PS. Case No.-131 Year-2019 Thana- BYPASS District- Patna

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Dhiraj Kumar, Male, Aged 31 Years, Son of Umesh Mahto R/O Mohalla-
Bahari Begampur, Mandaiper, P.S- Baypass, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Adv.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-04-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant case for depositing
the requisite court fee and to remove the defects as pointed out
by office when called upon to do so by the office.

The petitioner seeks bail in *Bypass PS* Case No. 131
of 2019, instituted for the offence punishable under Sections
498A, 304B/34 of the Indian Penal Code.

The petitioner is husband-accused of the offence
under Section 304B of the Indian Penal Code

The informant's daughter, as per prosecution case,
was married two years prior to the occurrence. The petitioner
along with other in-laws have subjected her to torture for non-



fulfillment of demand of dowry (Rs. Five lacs). The petitioner's mother on 11.05.2019 has intimated to the informant regarding death of his daughter-in-law whereafter the informant has come to the house of the petitioner find his daughter death.

Petitioner's counsel submits that even as per prosecution case, intimation regarding death of the informant's daughter was given by the petitioner's mother. This is glaring evidence of the *bona fide* of the accused persons. In fact, the daughter of the informant has committed suicide and, under suspicion, prosecution has been launched taking advantage of the presumption under Section 304B of the Indian Penal Code. Submission of the petitioner's counsel is that in between rejection of his prayer for bail on 14.12.2020 till April 2022, no prosecution witness has turned up at the trial.

The learned APP representing the State has opposed the prayer for bail. It is submitted that based on the prosecution case, which clearly contains the ingredients for raising the presumption under Section 304B of the Indian Penal Code, the petitioner, being husband of the victim, has been made an accused.

Considering the rival submissions, the fact that there has been no progress whatsoever at the trial as no witness has



been examined; coupled with the fact that the petitioner continues to be in custody since 19-05-2019 for more than three years, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 the learned Additional Sessions Judge-III, Patna City Patna, in connection with *Bypass P.S.* Case No. 131 of 2019, Sessions Trial No. 991 of 2019, 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.

(Madhuresh Prasad, J)

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