

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39485 of 2021

Arising Out of PS. Case No.-20 Year-2020 Thana- BHAPTIAHI District- Supaul

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SUDAMA MUKHIYA S/O Digambar Mukhiya R/O Village - Narayanpur,
P.S. - Bhaptiyahi, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Aprajita, Advocate
For the State	:	Mr. Rajendra Singh, APP
For the Informant	:	Mr. Kuldip Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304B and 34 of the Indian Penal Code.

As per the prosecution case, the sister of the informant who was married to the petitioner herein was tortured for non-fulfillment of the demand of dowry to the tune of Rs. 1 lakh and ultimately was poisoned to death by the seven named accused persons including the petitioner herein.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason of his being the husband of the deceased. It was



for some other reason that both the petitioner as also his wife consumed poison. While the petitioner was saved in course of treatment, the wife i.e. the sister of the informant died. It is submitted that the said fact is further supported from the deposition of the independent witnesses recorded in course of investigation including paragraph no. 16 of the case diary as also the postmortem report of the deceased wherein no external injury was found on the body of the deceased. Learned counsel submits that the petitioner is in custody since 24.2.2020 and undertakes to abide by all the conditions which may be laid by this Court for his release on bail.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that besides being the husband of the deceased, there is direct allegation against the petitioner in the FIR which has been supported by the witnesses in course of investigation. Further the examination of prosecution witnesses has commenced in the learned trial Court in Sessions Trial no. 214 of 2021 pending in the Court of learned Additional District and Sessions Judge VII, Supaul.

Having heard learned counsel for the parties and taking into consideration the facts of the case including the



material that has transpired in course of investigation as also the postmortem report, the Court directs the petitioner to be enlarged on bail in connection with S.Tr. no. 214 of 2021 (arising out of Bhaptiyahi P.S. Case no. 20 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J-VII, Supaul subject to the following conditions :

(ii) One of the bailors of the petitioner shall be his close relative.

(iii) The petitioner shall remain physically present in Court on each date of the trial.

In case of the violation of the conditions laid above or in case the petitioner is not cooperating in the trial, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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