

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42408 of 2021**

Arising Out of PS. Case No.-560 Year-2020 Thana- SUGAULI District- East Champaran

MUNA KUMAR Son of Vijay Prasad @ Vijay Kumar Prasad Resident of
Village - Sugaon Badhai Tola, Ward No. 5, P.S. - Sugauli, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 07-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Sugauli P.S. Case No. 560 of 2020 for the offence punishable
under Sections 304B/201/34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant
who is the mother of the deceased has alleged that the accused
persons including the present petitioner who is younger brother



of the husband of the deceased have committed murder of her daughter for non-fulfillment of demand of dowry and tried to conceal the dead body of the deceased.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He submits that there is no occasion for the present petitioner, who is the younger brother of the husband of the deceased to have committed the murder and dispose of the dead body of the deceased rather the present is a case of accident which took place while the deceased had accompanied her husband, who has also been made accused in the present case. The deceased had sustained injury and she succumbed to death due to accident. There is no eye witness of the present case. He has referred that the doctor who had conducted autopsy has opined that the death is due to impact caused by heavy hard object. The deceased due to accident had fallen down on the metalled road due to collision of the scooty with the pick up van and had sustained injury on her head. The deceased, her husband and children were admitted to primary health center by the family members of the petitioner, where the deceased was declared dead. The inquest report would also reveal that the same was prepared before the family members of



the petitioner which also falsifies the allegation that the body was to be disposed of in a clandestine manner. Petitioner is in custody since 03.06.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having heard the rival submissions of the parties as well as taking into consideration the fact that the present petitioner who is the younger brother of the husband of the deceased had no occasion to dispose of the dead body of the deceased rather after accident she was admitted to Primary Health Centre by the family members. It would appear from the inquest report (Para-7 of the case diary) that the same was prepared by the police at the Primary Health Centre itself in presence of the family members of the petitioner. The post mortem report suggests that the death has been caused due to impact by some heavy hard object which supports the specific case of the petitioner that the deceased and her husband had met with an accident and due to the said accident, the deceased fell down on the concrete road which took away the life of the sister-in-law of the present petitioner. Petitioner is a student and has completed his graduation and has a long academic career. Petitioner has clean antecedent. This Court is of the opinion that



keeping the petitioner behind the bar as an under trial prisoner would not serve the purpose. Petitioner has been made accused merely on suspicion. In this regard law is well settled that suspicion howsoever strong cannot take the place of proof and for suspicion an under trial prisoner cannot be kept behind the bar even after completion of investigation.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Sugauli P.S. Case No. 560 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

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