

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52743 of 2021

Arising Out of PS. Case No.-171 Year-2019 Thana- HATHAURI District- Muzaffarpur

RAJ KAMAL RAM S/O Shiva Lal Ram R/Village - Amma, P.S. - Hathauri,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Hathauri P. S. Case No. 171 of 2019 giving rise to Trial No. 3391 of 2019 registered for the offences punishable under Section 304(B) read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the daughter of the informant was solemnized on



01.07.2016 and thereafter, she went to her *susral*, however, she has been living happily for some times. It is further alleged that later on, she was subjected to torture for demand of dowry and when the deceased shown her inability to fulfill the demand, she was done to death.

Learned counsel appearing on behalf of the petitioner submitted that general and omnibus allegation has been levelled against all the family members eight in numbers. It is further submitted that no specific allegation of any overt act has been levelled against the petitioner, however, he being unfortunate husband of the deceased has been made accused. It is next submitted that during the course of investigation, the statements of the independent witnesses have been recorded, wherein they have categorically stated that on the alleged date and time of the occurrence, when *hulla* was raised, they rushed to the house of the informant and found the deceased was hanging on a rope and thereafter, the door was broken and she was brought out from the room and taken to the hospital where she declared dead. It is also submitted that in the post mortem report no external injuries have been found over the body of the deceased and moreover, the petitioner having fair antecedent and is in custody since 12.09.2019. Though, the father-in-law



has already been granted bail by learned co-ordinate Bench of this Hon'ble Court and so far other family members are concerned, they are even not sent up for trial.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the statement of the independent witnesses, who have categorically stated that the deceased had committed suicide and moreover, he is in custody since 12.09.2019, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Hathauri P. S. Case No. 171 of 2019, subject to the condition that one of the bailors will be the close relative 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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