

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58020 of 2021**

Arising Out of PS. Case No.-322 Year-2021 Thana- FATUA District- Patna

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Mantu Kumar Son of Late Ratan Ram Resident of Mohalla- Dariyapur, P.O.
and P.S.- Fatwah, District- Patna, State - Bihar, Pin- 803201.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranay Shankar Singh, Advocate.
For the Opposite Party/s : Mr. Suman Kumari Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 19-05-2022 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. Pranay Shankar Singh, 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 Fatuha P. S. Case No. 322 of 2021
registered for the offences punishable under Sections 304 (B),
201 read with Section 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 in the
year 2018 with this petitioner. It is further alleged that at the



time of marriage the informant has given Rs. 1,00,000/- and other valuables in dowry. It is also alleged that the F.I.R. named accused persons always used to harass and torture the deceased for non-fulfilment of demand of dowry. On 29.04.2021, the informant received an information that all the accused persons in collusion with this petitioner killed her daughter.

Learned counsel appearing on behalf of the petitioner submitted that there is general and omnibus allegation against all the family members and though the petitioner being husband of the deceased has falsely been implicated in this case. It is further submitted that during the course of investigation, the statement of independent witnesses have been recorded in paragraph no. 49, 50 and 51 of the case diary and it has come that on 28.04.2021 some quarrel has taken place between the petitioner and the deceased and thereafter, on 29.04.2021, she left her *Sasural* without informing anyone. It has also come that the relation between both the husband and the wife was not cordial because of her stubborn nature and due to her nature partition has taken place amongst the brothers. It is next submitted that except suspicion there is nothing against this petitioner even the dead body has not been recovered as yet and this petitioner having clean antecedent, is in custody since



02.05.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is the husband of the deceased and there is allegation of demand of dowry and torture against all the family members and the occurrence has taken place in the house of this petitioner and therefore, he is under obligation in law to explain about her disappearance.

Having considered the submissions made on behalf of the parties and taking into account the statement of the independent witnesses, who have categorically stated that the deceased has left her home due to some quarrel, which had taken place between the husband and wife and she left her home without informing anyone and there is no other cogent materials brought on record, which suggests the involvement of the petitioner in the present case and moreover, this petitioner is in custody since 02.05.2021; apart from the fact the investigation has already been completed and the charge-sheet has been submitted, 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 Additional Chief Judicial Magistrate 1st



Class, Patna City in connection with Fatuha P. S. Case No. 322 of 2021, 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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