

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49510 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- HATHAURI District- Muzaffarpur

Binod Rai, Son of Rajendra Rai, Resident of Village - Barheta Gangaram,
P.S.- Hathauri, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Md. Mushtaq Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 23-12-2022 The applicant is accused in Crime No. 116 of 2022 registered with Hathauri Police Station for the offence punishable under Section 304B read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge sheet.

Heard the learned counsel appearing for the applicants/accused. He argued that though the crime was registered for the offence punishable under Section 304B read with Section 34 of the IPC, after investigation, the charge sheet is filed only for the offence punishable under Section 306 of the IPC.

The learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious.

I have considered the submissions so advanced and also perused the materials placed before me.

The offence is registered under Section 304B r/w Section 34 of the IPC. According to First Informant – Mantu Lal Rai, his



sister Roopmala Kumari married the applicant in the year 2016 and thereafter the applicant and his family members were subjecting Roopmala Kumari to cruelty by demanding dowry and other valuable things. Ultimately, Roopmala Kumari was found dead in unnatural circumstances at her matrimonial house on 20.04.2022.

The crime in question is registered for the offence punishable under Section 304B read with Section 34 of the IPC. The investigation of the subject crime is over. The offence is not exclusively punishable with life imprisonment or death. In this view of the matter, I see no reason to continue further pretrial detention of the applicant particularly when even the learned Trial Court was rejecting his bail application as mentioned that the charge sheet has been filed under Section 306 of the IPC. Hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 116 of 2022 registered with Hathauri Police Station for the offence punishable under Section 304B read with Section 34 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs.10,000/- (Rupees Ten Thousand) and on furnishing surety of the like amount to the satisfaction of the Trial Court with the following conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.



(II) The applicant/accused should cooperate the Trial Court in expeditious disposal of the trial against him.

(III) The applicant/accused should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

(IV) The applicant/accused should not tamper with the prosecution evidence in any manner.

The applicant to remove all office objections if any forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant.

Mkr./
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(A. M. Badar, J)

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