

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63218 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- ARWAL District- Jehanabad

MANOJ KUMAR Son of Janrdan Shah Resident of Village- Vasilpur, P.S.-
Arwal, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Arvind Prasad Singh, Advocate
For the Opposite Party/s :	Mr. Ashok Kumar Singh,APP Ms. Indu Kumar, APP
For the Informant :	Mr. Rama Kant Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Arwal P.S. Case No. 117 of 2020 registered for the alleged offences under Sections 304B and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons killed the sister of the informant on account of their demand of dowry.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The sister of the informant committed suicide and the petitioner informed the informant and his in-laws who joined the funeral and while returning after the cremation, the informant demanded money from the petitioner and on his refusal, filed this false case. The post-mortem report also shows the death was caused by asphyxia due to hanging and it indicates suicide by the sister of the informant. Learned counsel further submits that there was much difference of age between the deceased and the petitioner as she was only 18 years at the time of her marriage whereas the petitioner was 38 years old. Further, the demand of dowry is not believable as due poverty, the marriage of the petitioner could not be solemnized and finally he got married to the sister of the informant who committed suicide. Even the police was called at the place of occurrence and it inspected the room of the deceased, who committed suicide. Having similar allegation, the co-accused father of this petitioner have been granted regular bail by a Coordinate Bench vide order dated 05.02.2021 passed in Cr. Misc. No. 38037 of 2020. Charge sheet has been submitted in this case and the petitioner is in custody since 05.05.2020.



Learned counsel appearing on behalf of the informant as well as learned APP for the State opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that there has been demand of dowry and non-fulfillment of this demand, the sister of the informant was hanged by the petitioner and other co-accused persons.

Perused the records.

Having regard to the submissions made hereinabove and considering the lack of cogent material against the petitioner along with submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with Arwal P.S. Case No. 117 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below. Heard learned counsel for



the petitioner and learned APP for the
State.

(iii) In case of absence on three
consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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