

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68632 of 2021**

Arising Out of PS. Case No.-746 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Manish Kumar Ray S/o Late Dilip Ray R/o Village - Bhitwar, P.S. - Bhabhua,
District - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 18-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bhabhua
P.S. Case No. 746 of 2020 registered for the offence under
Sections 304(b) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.11.2020.

The allegation against the petitioner, who is husband,
is caused death of his wife, due to non-fulfillment of demand of
dowry along with other co-accused persons/family members.

Learned counsel appearing on behalf of the petitioner
submitted that the circumstances of the present case is



suggesting that it was nothing but a suicide. It has further been submitted that allegation as regard to demand of dowry of Rs. 3,00,000/- is also appearing false, from perusal of FIR, as the same was for business purpose/ future prospect, as loan. It has further been submitted that postmortem report of the victim also suggesting that it is a case of suicide without any external injury, negating no physical assault, prior to the occurrence. It has also been submitted that the informant is not the eye-witness of the occurrence and the entire allegation is based upon suspicion in the background of general and omnibus allegation, where investigation has been completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail and submitted that allegation of demand of dowry is general and omnibus in nature, as per FIR.

Considering the facts and circumstances as mentioned above, as this is not a case of physical assault prior to the occurrence, as per postmortem report, suggesting, prima facie, cause of death as suicide, petitioner is man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Bhabhua P.S. Case No.746 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur, Bhabhua, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Amresh Sharma, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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