

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70623 of 2021**

Arising Out of PS. Case No.-669 Year-2020 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Musha Mansoori @ Mustafa, Son of Late Roujaddin, Resident of Village - Chhik Toli, Police Station - Jagdishpur, District - Bhojpur.
 2. Imran Mansoori, Son of Musha Mansoori @ Mustafa, Resident of Village - Chhik Toli, Police Station - Jagdishpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioners 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 petitioners seek bail in connection with Complaint Case No.669 (C) of 2020 registered for the alleged offences under Sections 304 (B), 498 (A) and 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The prosecution case is that the petitioners are the father and brother of the husband of the deceased complainant, respectively. The allegation against the petitioners and the co-accused persons is that of torturing the complainant and treating



her with cruelty on account of their demand of dowry. During the pendency of the complaint petition, the complainant died at her parental home.

The learned counsel for the petitioners submits that the petitioners are innocent and they were living separately from the deceased and her co-accused husband. The complainant died due to ill health in her parental home and the petitioners have no role in it. From the facts mentioned in the complaint petition, it is obvious that no offence under Section 304 B of the Indian Penal Code is made out against the petitioners. Learned counsel further submits that the co-accused husband of the deceased has already surrendered before the learned court below. The charge sheet has been submitted in the case and the petitioners are in custody since 23.08.2021.

Learned APP opposes the prayer for bail submitting that the complainant died due to ill treatment of the petitioners and the co-accused husband. When the complainant was deposing before the learned Magistrate, she was very sick and unable to speak and she died during the pendency of her case. The death has been caused due to their wrongful act.

Having regard to the submissions made hereinabove and considering the fact that death of the



complainant took place after she left her matrimonial home and was staying outside and separate from the petitioners and further considering the general nature of allegation against the petitioners, coupled with the fact that the charge sheet has been submitted in this case and the petitioners are in custody since 23.08.2021, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No. 669 (C) of 2020, subject to the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

