

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24549 of 2023

Arising Out of PS. Case No.-251 Year-2022 Thana- MANIYARI District- Muzaffarpur

PRASHANT KUMAR S/O LAKHINDRA CHAUDHARI @ LAKHINDRA
CHAUDHARY R/O Village- Sonbarsa Sath, P.S- Maniyari, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-08-2023 Heard the parties.

The petitioner is an accused in connection with
Maniyari P.S. Case No. 251 of 2022 registered for the offences
under sections 304-B, 201 and 34 of the Indian Penal Code
lodged on 06.08.2022 by the informant, Savitri Devi.

As per the prosecution story, the informant gave
written complaint stating that her daughter was married to the
petitioner five years ago but was regularly tortured for ‘*Scorpio*’
car and on 04.08.2022, when he came to her daughter in-law’s
house, could not find her and the villagers informed that in
January itself, by locking her in a room, it was set on fire and
thereafter the accused persons disappeared the dead body. This
led to lodging of the FIR.



In this case, an earlier bench had called for the case diary and on 19.05.2023, which has since been received.

Learned APP for the State has taken this Court to the supervision note of the Dy. S.P., Muzaffarpur (West) according to which, the lady was blessed with a child whereafter she was having problem and the same was informed to her parents also, she was treated but finally the lady left for her heavenly abode whereafter in the presence of her parents, the mortal remains were consigned to the flames.

Thereafter, a '*panchayat*' took place in which the in-laws demanded a piece of land in favour of the deceased lady's minor son. The same was executed on 08.02.2022 whereafter they wanted all the jewelleries of their daughter. The accuseds side again obliged. Lastly, the parents pressurized the petitioner to marry their younger daughter. Upon his refusal, the present case.

The supervision note further states that the death of the lady has been in mysterious circumstance but later it seems that patch-up between the parties took place and it is clear that the informant side had participated in the cremation of the lady.

Taking into account the aforesaid facts that contrary to the allegation made in the FIR that eight months later, the



parents came to know about the death of their daughter, as per the supervision note, they participated in the cremation of the lady which followed the '*panchayati*', transfer of land as also jewellery, the petitioner has remained in custody since 31.12.2022 (as stated in paragraph 20 of the bail application), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M. 1st Class, Muzaffarpur (West) in connection with Maniyari P.S. Case No. 251 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;



(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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