

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24592 of 2023

Arising Out of PS. Case No.-698 Year-2022 Thana- DAUDNAGAR District- Aurangabad

1. MANOJ KUMAR @ BHIM SON OF RAMDESHWAR PRASAD Resident of village - Devi Mandir, Malah Toli, Ward no. 10, Daudnagar, P.S. - Daudnagar, Distt. - Aurangabad
2. RAMDESHWAR PRASAD SON OF LATE SUDAMA PRASAD Resident of village - Devi Mandir, Malah Toli, Ward no. 10, Daudnagar, P.S. - Daudnagar, Distt. - Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Chandra Bhaskar, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Daudnagar P.S. Case No. 698 of 2022 for the offence punishable under Sections 302/34 lodged on 14.12.2022 by the informant, Dindayal Choudhary.

As per the prosecution story, the informant's daughter was married to the petitioner no.1, the petitioner no.2 is the father in 2012, she was tortured for dowry and in 2022, as she pregnant, came to know of her death at PMCH. Accordingly, the FIR was lodged against the accused persons.

Learned counsel for the petitioners submit that the petitioners have attached the post mortem report, according to



which, the cause of death is due to peritonitis, sepsis shock, CR failure and ultimately death due to faecal peritonitis. He submits that it clearly shows that the lady was under treatment and had a natural death but have been implicated in this case for which they have suffered by being in custody since 15.12.2022 (para-14 of the petition).

Learned APP opposes the prayer stating that he is the husband but concedes that the cause of death shows otherwise and further all the organs do not show any sign of assault.

Considering the fact that FIR has been lodged, the petitioners will be facing the trial, it will take the case to its logical conclusion, for the present for the purpose of bail, taking into account the post mortem report of the lady, this Court is inclined to extend them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Daudnagar P.S. Case No. 698 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his



bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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