

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58996 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- PARBATTI District- Khagaria

Arun Yadav Son Of Babulal Yadav Village- Kahaiya Chak, P.S. Parbatta,
Distt. Khagaria

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Session Trial No. 356 of 2022 arising out of Parbatta P.S. Case No. 11 of 2022, G.R. No. 64 of 2022 lodged under Sections 304B /34 of the I.P.C. read with Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the F.I.R. has been lodged against 5 named accused persons including the present petitioner who is husband of the deceased and the F.I.R. has been lodged by the petitioner's mother-in-law alleging that the petitioner along with his family members used to torture for dowry and subsequently, for the dowry they have killed her daughter.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that vide order dated 12.09.2023, case diary and post-mortem report has been called for. He further submits that the petitioner was working in a private firm at Hyderabad. At the time of occurrence, he was posted at his service at Hyderabad and there was no demand of dowry on any occasion. He submits that the deceased was short tempered lady and on petty issue in anger, she committed suicide.

5. Counsel further submits that in the post-mortem as well as in para-22 of the case dairy, the death has been caused due to asphyxia(strangulation). He further submits that charge has already been framed in this case and petitioner reached Patna upon getting information that his wife committed suicide.

6. Counsel further submits that petitioner is ready to support the trial and also ready to fulfill all the conditions whatsoever shall be imposed upon him. He further submits that petitioner is in custody since 20.04.2023 having clean antecedent.

7. Learned counsel for the State opposes the prayer for bail and submits that it is case of dowry death under Section 304B of the I.P.C. and the petitioner is husband of the deceased.



8. Considering the fact that petitioner is not residing at his house, but working at Hyderabad and particularly, charge has been framed then, no purpose shall be served on continuing the petitioner in custody. As such, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, VIIth, Khagaria in connection with Session Trial No. 356 of 2022 arising out of Parbatta P.S. Case No. 11 of 2022, G.R. No. 64 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) 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.

Prakashmani/-

(Dr. Anshuman, J.)

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