

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59653 of 2023**

Arising Out of PS. Case No.-41 Year-2020 Thana- PALIGANJ District- Patna

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Bali Manjhi S/O Late Budhan Manjhi R/O Village- Paipura Kala Musahari  
Tola, Ps. Paliganj, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Avinash Raj, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      06-10-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 477/2021 arising out of Paliganj P.S. Case No. 41 of 2020 registered on 05.02.2020 for the alleged offences under Sections 304(B), 201/34 of the Indian Penal Code.

3. As per prosecution case, daughter of the informant was married with the petitioner and the allegation against the petitioner and his family members is that they administered poison to the daughter of the informant and buried her dead-body. The death was caused pursuant to some dowry demand and it took place within six years of marriage.

4. Learned counsel for the petitioner submits that this

is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 18.10.2022 passed in Cr. Misc. No. 71396 of 2021. Learned counsel further submits that till date none of the witnesses have been examined in this case, though charges have been framed on 14.09.2021. Learned counsel further submits that the daughter of the informant died after consuming poison, but it has been given colour of dowry death. Learned counsel further submits that family members of the deceased were informed about the death and in their presence, the dead-body was buried. Still, a case of dowry death has been filed by the informant. Learned counsel further submits that petitioner is having a child aged about 5 years. Learned counsel further submits that the petitioner is in custody for more than three years as he in custody since 28.09.2020.

5. Learned APP opposes the prayer for bail submitting that the FSL report shows the death occurred due to consumption of poisonous substance 'CELPHOS' which was found in the viscera preserved at the time of postmortem.

6. Perused the record.

7. Perusal of record shows a report has been received from the learned trial court dated 15.09.2023 wherein it has

submitted that none of the five charge-sheet named witnesses have been examined, though charges were framed on 14.09.2021.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the report of the learned trial court which shows there appears no possibility of concluding the trial in near future and further considering the period of the custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur, District Patna/court concerned in connection with Sessions Trial No. 477/2021 arising out of Paliganj P.S. Case No. 41 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner 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 petitioner will be liable to be  
cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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