

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61862 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- PUNPUN District- Patna

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Guddu Kumar Son of Late Mahesh Yadav @ Mahesh Prasad Resident of
Village -Nurichak, P.S.- Punpun, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Anjum Perveen, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner as well as

learned counsel for the informant along with learned APP for the

State.

2. In the present case, the petitioner is apprehending his arrest in connection with Punpun P.S. Case No. 125 of 2023, registered on 20.04.2023 for the offences under Sections 498A, 304B/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

3. As per prosecution case, the sister of the informant died within seven years of her marriage in her matrimonial home. The petitioner is the elder brother of the husband of the deceased and there is allegation of demand of dowry and torture related to the said demand.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The petitioner is living separately from the husband of the deceased. The sister of the informant committed suicide and it is not a case of murder or dowry death. The deceased did not want to live with her husband. There is general and omnibus allegation against a number of persons including the petitioner and no specific allegation has been levelled against him. All the family members of the husband of the deceased have been made accused in this case. Co-accused husband is already in custody and a supplementary affidavit in this regard has been filed which is on record.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner, Learned counsel appearing on behalf of the informant submits that the witnesses examined during investigation have stated about petitioner and others causing death of the sister of the informant for non-fulfillment of dowry demand. The cause of death has been stated to be asphyxia.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is the brother of the husband of the



deceased and there appears possibility of false implication the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Masaurhi, District - Patna/concerned court in connection with Punpun P.S. Case No. 125 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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