

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70511 of 2023

Arising Out of PS. Case No.-580 Year-2023 Thana- MADHEPURA District- Madhepura

Suraj Kumar, son of Kokay Yadav, R/o- W. No- 9, Village- Turkahi, P.S.-
Madhepura (Bharrahi OP), Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Kumar Praveen, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 580 of 2023 registered for the offences punishable under Sections 304B/302 of the Indian Penal Code.

3. Allegedly the marriage of the sister of the informant was solemnized with Uma Shankar Yadav, nine years ago and from the wedlock, two children were also born. However, it is alleged that the family members were indulged in demanding dowry and on account of non-fulfillment of the same, she was being tortured at their hands. On 06.06.2023, in the night, the informant received an information that his sister was done to death by all the family members of the in-laws of his sister. On



the aforesaid information, when the informant and his family members reached to the place of occurrence, they found that both the nephew and niece were crying and told them that the father, grand-mother, uncle and aunt killed their mother. It is further alleged that the villagers, including the petitioner, were present there and having noticed the informant and others, they fled away from the place of occurrence.

4. It is submitted on behalf of the petitioner that from the narrations made in the F.I.R., it is manifest that the petitioner along with other villagers were present at the matrimonial house of the deceased and save and except the aforesaid allegation there is nothing. In fact, on the alleged date of occurrence, when the villagers received information regarding the killing of the sister of the informant, they rushed to the place of occurrence and the petitioner being neighbour was only present there. He further submits that though the occurrence is said to have taken place on 06.06.2023, but the present F.I.R. has been instituted on 08.06.2023, thus the deliberation cannot be ruled out. Furthermore, the children of the deceased, who were present at the place of occurrence, have not disclosed the name of the petitioner or even suspected his involvement. Moreover, the husband and other family members of the deceased are in



custody.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was found present at the place of occurrence.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the children of the deceased has not disclosed the name of the petitioner as one of the participant of the crime, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 580 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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