

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69839 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- KAMTAUL District- Darbhanga

SUMIT KUMAR MISHRA S/o Dilip Kumar Mishra R/o village- Kaharia,
P.S.- Kamtaul, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Sagrika, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, PP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 26-04-2023 Heard learned counsel for the petitioner as well as
Shri. J.N. Thakur learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Kamtaul P.S. Case No. 155 of 2022, registered for the offences punishable under Sections 498-A, 304-B, 120-B, 201/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

As per allegation, the petitioner and his family members committed dowry death of the deceased Nitu Devi.

The learned counsel for the petitioner has submitted that the entire allegation is false and when the informant and other witnesses perceived their mistake, they have stated the real fact in their deposition in sessions trial No. 562 of 2022. These



three witnesses including the informant have stated that the deceased was residing in her matrimonial house in a very happy and cordial atmosphere. The accused persons never demanded dowry. As a matter of fact, she died due to heart attack.

On the other hand, the learned APP, Shri J.N. Thakur has submitted that in the statement under section 161 of the Cr.P.C. The witnesses including the informant have supported the prosecution case but during the trial they turned hostile.

Considering the above-mentioned facts and circumstances as well as the statement of the witnesses including the informant examined during trial, let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Darbhanga in connection with Kamtaul P.S. Case No. 155 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(ii) If the petitioner is found involved in future in the



similar type of offense, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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