

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71889 of 2022**

Arising Out of PS. Case No.-70 Year-2022 Thana- BARURAJ District- Muzaffarpur

MANOJ THAKUR S/o Yogendra Thakur R/v- Harnahi, P.S.- Baruraj,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nachiketa Jha
For the Opposite Party/s	:	Mr.Shailendra Kumar
For the Informant	:	Mr.Subhash Choudhary

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

ORAL ORDER

4 10-05-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Baruraj P.S. Case No. 70 of 2022, registered for the offences punishable under Sections 302, 494, 201/34 of the Indian Penal Code as well as Section 3/4 of the Dowry Prohibition Act.

As per allegation, the marriage of deceased was solemnized with the petitioner, fifteen years prior to lodging of the FIR. The couple was blessed with two daughters, who are presently 12 years and 8 years of the age. The allegation against the petitioner is that he demanded a *glamour* motorcyle and Rs. 1 lakh cash. Due to non-fulfillment of demand, the accused



persons murdered her and disappeared her dead body. It has also been alleged that the petitioner has solemnized his second marriage with one Chanda Devi.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The FIR makes it clear that the marriage was solemnized 15 years before and there is no question of demand of dowry, after such a long duration. He has submitted further that as a matter of fact, his wife Fulkumari Devi was mentally ill and her treatment was going on in the clinic of Dr. Ganesh Prasad Singh (xerox copy of medical papers filed at the time of argument). He has also submitted that the witnesses including daughter of Fulkumari Devi has stated that the petitioner went to the medical shop to bring the medicine for Fulkumari Devi and when he returned, she was not found in her house.

On the other hand, the learned APP has opposed the prayer for bail but fairly conceded that the daughter of Fulkumari Devi has herself stated in paragraph no. 36 of the case diary that the petitioner went to medical shop for medicine of her mother and when he returned, she became traceless. Similar is the statement of Subodh Pandit, the independent witness, whose statement has been recorded in paragraph no. 35



of the case diary.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur in connection with Baruraj P.S. Case No. 70 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) The petitioner shall remain present on each and every date before the court below till framing of the charges.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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