

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11781 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- GOPALPUR District- Gopalganj

Mushafir Prasad @ Musafir Prasad S/O MR. SURESH PRASAD R/O
VILLAGE- RATANPURA,PS.- GOPALPUR, DIST. GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Vaishnavi Singh, Adv.
For the State	:	Mr.Madhura Nand Jha, APP
For the Informant	:	Mr. Manish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-02-2024

1. Heard the parties.

2. Petitioner seeks regular bail in connection with Gopalpur P.S. Case No. 180/ 2023 dated 25.07.2023 registered for the offence(s) punishable under Section(s) 304B read with section 34 of the Indian Penal Code.

3. The main submissions advanced by learned counsel for the petitioner are that in the F.I.R., the year of the marriage of the victim has wrongly been shown as 2017, in fact the victim, who happened to be wife of this petitioner, was married in the year 2013 and in this regard, the original copy of marriage invitation card and some photographs of the marriage have been filed along with this petition and even if it is believed that the marriage took place in the year 2017 even then in the past six



years before commission of the alleged occurrence, no complain of any type of torture or dowry demand was made by the victim or her parental family members against the petitioner and his family members. Further submissions are that after getting the information of the victim's death, the police visited the place of occurrence on 25.07.2023 at 8.20 AM and prepared the inquest report but till then no complaint was made by prosecution party regarding the commission of the alleged offence and later on, after due deliberation and consultation, the F.I.R. was lodged on the same day at 13.45 hours and against the petitioner, investigation has been completed. Further submissions are that as per post mortem report, no external injury over the body of the deceased, except one ligature mark on the neck of the victim, was found and cause of death has been opined as asphyxia due to hanging .

4. Mr. Manish Kumar, learned counsel for the informant, has vehemently opposed the bail prayer and submitted that admittedly, the victim died unnatural death in the house of the petitioner who was solely responsible for taking care of the victim and there is serious and direct allegation against the accused persons, including the petitioner, regarding torturing the victim for the dowry demand.



5. Learned APP appearing for the State has also opposed the bail prayer.

6. In the facts and circumstances of the case and considering the above submissions and mainly the facts that in the F.I.R., there is no specific allegation against the petitioner and as per the post mortem report no external injury, except one ligature mark, was found on the body of the deceased and cause of death was opined as asphyxia due to hanging and investigation against the petitioner has been completed, this court is inclined to accept his bail prayer. Accordingly, let the petitioner named-above be released on bail in connection with Gopalpur P.S. Case No.180 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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