

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16361 of 2024

Arising Out of PS. Case No.-727 Year-2023 Thana- MANER District- Patna

Vicky Kumar Son Of Sri Babban Saw Resident Of Village - Bhikhawan,
Dayal Chak Maner, P.S. - Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Adv.
For the State	:	Mrs.Asha Devi, Adv.
For the Informant	:	Mr. Ramakant Ram "Anand", Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 18-10-2024 A report dated 01.10.2024 has been received
furnishing explanation towards compliance of the order dated
27.09.2024, copy of viscera report has also been furnished along
with explanation. The explanation is accepted.

2. Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

3. In the present case, the petitioner seeks bail in
connection with Maner P.S. Case No. 727 of 2023, registered for
the offences under Sections 304B and 34 of the Indian Penal
Code and Section 3/4 of Dowry Prohibition Act.

4. As per the prosecution case, the sister of the
informant was married with the petitioner and there is allegation
of demand of Rs. 5 lakhs by the petitioner and other co-accused



persons. Further allegation against petitioner and other co-accused persons is of causing dowry death of sister of informant.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case as it is apparent from the FIR that it was the petitioner and his family members who had been bringing the sister of the informant from the hospital in an ambulance. It has been alleged in the FIR that a telephonic message was received from the petitioner's side about sister of the informant being admitted in Kurji Hospital but the informant did not visit the hospital. When the dead body of the sister of the informant was being brought to the house of the petitioner, then only the informant reached there and lodged this false case. There has been no dowry demand on part of the petitioner or his family members and other family members of the petitioner have been enlarged on anticipatory bail vide order dated 02.04.2024 passed in Cr. Misc. No. 20888 of 2024 by this Court. Learned counsel further submits that the petitioner and his deceased wife were having quite good terms however, in fit of anger the deceased consumed poison and died. The petitioner is in custody since 08.10.2023 and charge sheet has been submitted against the



petitioner who is having clean antecedent.

6. Learned A.P.P. appearing for the State and learned counsel for the informant opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that sister of the informant died in her matrimonial home and there is allegation of demand of dowry against the petitioner and others.

7. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the viscera report which shows consumption of 'Celphos' by the deceased and further considering the absence of substantive material against the petitioner and further considering the period of custody and clean antecedent of the petitioner and submission of charge sheet against the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Danapur/concerned court, in connection with Maner P.S. Case No. 727 of 2023, subject to the condition laid down under Section 437(3) 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 below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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