

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17858 of 2024

Arising Out of PS. Case No.-1317 Year-2022 Thana- PHULWARISHARIF District- Patna

Shivdayal Prasad S/o Late Sundar Prasad R/o vill - Mitra Mandal Colony, P.S.
- Phulwarisharif, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Phulwarisharif P.S.
case No. 1317 of 2022 instituted for the offences under
Sections 376, 302/34 of the Indian Penal Code in which
charge-sheet has been submitted under Section 304(B)/34 of
the Indian Penal Code.

3. Prosecution allegation, in short, is that the
accused persons physically assaulted and tortured and
thereafter committed murder of the victim due to non-
fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that



the petitioner has falsely been implicated in the present case. The petitioner is father-in-law of the deceased. He is separate in mess and property from the husband of the deceased. The husband of the deceased in custody. The post-mortem report suggests that the death is caused by asphyxia due to hanging. During the investigation, the informant has retracted from the allegation made in the F.I.R. Charge-sheet has been submitted under Section 304(B)/34 of the Indian Penal Code. The petitioner is in custody since 16.06.2023 and has no criminal antecedent. The petitioner is an old aged person suffering with old age ailments.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with
Phulwarisharif P.S. case No. 1317 of 2022.

(Rudra Prakash Mishra, J)

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