

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24720 of 2024

Arising Out of PS. Case No.-350 Year-2022 Thana- ATHMALGOLA District- Patna

Manish Kumar, aged about 20 years (Male), S/o Anil Yadav @ Munni Yadav,
R/o vill - Chanda, P.S. - Athmalgola, Distt. - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Anil Kumar Singh, Advocate
For the Informant	:	Mr. Subhash Kumar, Advocate
For the Opposite Party	:	Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Athmalgola P.S. Case No. 350 of 2022 dated 09.12.2022 registered for the offence punishable under Section 304B/34 of the I.P.C.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have killed the informant's daughter due to non-fulfilment of demand of Rs. 1,50,000/- as dowry for purchasing of vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in



this case. The petitioner neither demanded any dowry nor tortured and killed the informant's daughter. It is further submitted that the petitioner is the husband of the victim and he has no concern with the alleged offence. It is further submitted that the victim was not happy with her marriage as her father without her consent performed her marriage and due to which she has tension and committed suicide by hanging. It is further submitted that when the victim committed suicide by hanging then the petitioner immediately informed her naihar people then they came and informed police. The postmortem of the deceased was conducted by the doctor and the doctor has opined the cause of death is due to Cardio respiratory arrest due to Asphyxia generated by anti mortem Homicidal Hanging. It is further submitted that the matter has already been compromised between the parties. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner. It has further been submitted by learned counsel for the informant that the petitioner is the husband of the deceased and from perusal of the postmortem report, it appears that after conducting postmortem of the deceased, the doctor has



opined the cause of death is due to cardio respiratory arrest due to asphyxia generated by anti mortem Homicidal Hanging.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner in accordance with law and on its own merits without being prejudiced of the order of this Court in connection with Athmalgola P.S. Case No. 350 of 2022, pending in the court of learned S.D.J.M., Barh, Patna.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Chandra Prakash Singh, J)

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