

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26045 of 2024

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

Abhinav Kumar @ Vaibhav S/o- Sri Shivdayal Prasad R/o Vill- Mitra Mandal
Colony, P.S.- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Suman Kumari Singh, Advocate

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

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 1317 of 2022 instituted for the offence under Sections 376, 302 & 34 of the Indian Penal Code (for brevity 'the IPC') and charge sheet has been submitted under Sections 304(B) & 34 of the IPC.

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

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-10-2023. Petitioner is stated to be man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case because of his relationship with the deceased as being husband. It is submitted that petitioner was suffering from mental disorder and due to stress, she has committed suicide. Referring to the postmortem report, it is submitted that cause of the death is asphyxia caused by hanging. It is lastly submitted that charge sheet has already been submitted in this case under Sections 304(B) & 34 of the IPC. Other co-accused has been granted bail by this Court, *vide* order dated 14-03-2024, passed in Cr. Misc. No. 17858 of 2024.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. 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, subject to the



following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj kishore/-

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