

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35023 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- DIDARGANJ District- Patna

Sudhir Kumar Son of Vijay Kumar Rai R/O Vill.- Didarganj check Post, P.S.-
Didarganj, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pramod Kumar, Adv.
For the Opposite Party/s :	Mr. Mukesh Kumar Singh, A.P.P.
	Mr. Shashi Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Didarganj P.S. Case No. 170 of 2023, registered for the offences under Sections 306 and 304B of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant was married with the petitioner and she died within one year after her marriage in her matrimonial home. The informant has alleged that his daughter was being tortured and there has been demand of a Bullet motorcycle from this petitioner.

4. Learned counsel appearing on behalf of the

petitioner submits that the petitioner is innocent and has been falsely implicated in this case. During the time of occurrence, the petitioner was not at his home and he has been in Bangalore where he has been doing some job. The true fact of the case is that daughter of the informant committed suicide by hanging herself with her *dupatta* during the relevant time. Mother of the petitioner was admitted at P.M.C.H and no one was present at the house of the petitioner. During investigation the statement of informant and other witnesses were recorded by the police who clearly stated that petitioner along with his elder brother was at Bangalore. The petitioner never demanded any dowry and never tortured the deceased and allegations of this kind are completely false and fabricated. There could be no application of Section 304B of the Indian Penal Code in the present case even the police after investigation submitted charge sheet under Section 306 and Section 304B of the Indian Penal Code both and this shows the doubtful nature of the case against the petitioner. The petitioner is in custody since 08.01.2024 and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State and learned counsel appearing on behalf of the informant opposes the submission made on behalf of the petitioner. Learned counsel

for the informant submits that specific allegation has been levelled against the petitioner that he has been demanding a Bullet motorcycle and also threatening the daughter of the deceased.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioner in connection with the alleged offences and further considering submission of charge sheet, 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 Judicial Magistrate-1st Class/concerned court, in connection with Didarganj P.S. Case No. 170 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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