

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38027 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- ASARGANJ District- Munger

NIRAJ KUMAR @ NIRAJ KUMAR BIND SON OF BATESHWAR BIND
RESIDENT OF VILLAGE - CHORGAON, P.S. - ASARGANJ, DISTRICT -
MUNGER

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate
Mr. Shivendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-09-2024 Heard Mr. Shivendra Kumar Sinha, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with
Asarganj P.S. Case No. 80 of 2023 for the offence punishable
under sections 498(A), 304(B) and 34 of the Indian Penal Code
lodged on 29.07.2023 by the informant, Manohar Mandal.

3. As per the prosecution story, the informant alleged
that the informant's daughter was married to the petitioner but was
always tortured for dowry and on 28.07.2023, the cousin brother
informed that she has been killed. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the
petitioner is the husband, was out for work at the relevant point of
time, the lady was alone and due to some tiff, committed suicide.



Upon return, he screamed whereafter the villagers came, the body was brought down and later, consigned to flames. He has already lost his wife and is in custody since 09.10.2023 (paragraph-18 of the petition).

5. Learned APP opposes the prayer for bail submitting that as per the *postmortem* report, it has been recorded that it is asphyxia due to strangulation.

6. Learned counsel for the petitioner at this stage submits that the case dairy has come and perusal of the paragraphs would show that the villagers have recorded their statements that the petitioner was out for two work and upon return, saw the deceased hanging, screamed and thereafter the body was brought down.

7. Learned APP has gone through the paragraph nos. 48 and 49 of the case diary and submits that though the *postmortem* report records the cause of death by asphyxia due to strangulation, the statement of the villagers is/are there, as stated by learned counsel for the petitioner.

8. Considering the aforesaid facts as also his period of custody and learned counsel for the petitioner submits that presently, the case is at the stage of commitment and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.



9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Munger, in connection with Asarganj P.S. Case No. 80 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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