

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40986 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- SIKARHATTA District- Bhojpur

Deepak Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-09-2024 Heard the parties.

2. The petitioner is in custody in S.Tr. No. 135 of 2024 arising out of Sikrahata P.S. Case No. 130 of 2023 for the offence punishable under sections 304(B) and 34 of the Indian Penal Code lodged on 12.10.2023 by the informant, Jitendra Kumar.

3. As per the prosecution story, the informant alleged that the petitioner was married to his sister but later was tortured for dowry and in continuation of that on 11.10.2023, came to know about her killing. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though he is the husband, the lady was not happy with him and due to minor tiff, she committed suicide, he had no role to play in the matter and has already remained in custody since 26.10.2023 (paragraph-9 of the petition) which shows the



bonafide as the occurrence is of 11.10.2023 and the last submission is that he do not have any criminal antecedent.

5. Learned counsel for the informant on the other hand opposes the prayer submitting that within months of the marriage, he ensured her killing.

6. In this case, case diary and *postmortem* report were called for and learned APP has taken this Court to the report according to which, the cause of death has been recorded as asphyxia due to hanging.

7. Learned APP as such submits that the word strangulation is missing in the *postmortem* report.

8. Taking into account the aforesaid facts, though being the husband, he should have secured the life of the lady, the fact remains that the death has been recorded as asphyxia due to hanging, he is a young boy of twenty years, do not have any criminal antecedent, have already remained in custody for last one year and will be diligently appearing in trial, 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 Additional Sessions Judge, Bhojpur, Ara, in connection with Sikrahata P.S.



Case No. 130 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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