

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44185 of 2024

Arising Out of PS. Case No.-48 Year-2023 Thana- KURSAILA District- Katihar

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Birender Rajbhar @ Birendra Rajbhar S/o Bhikhari Ray R/o Gumti tola, P.S-
kursela, District-katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh,APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 09-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner has preferred this application for
grant of regular bail in connection with S.Tr. no. 500 of 2023
arising out of Kursela P.S. Case no. 48 of 2023 registered under
sections 304B and 34 of the Indian Penal Code.
3. As per the prosecution case, the informant states
that his daughter who was married to the petitioner herein was
tortured by the accused persons for non-fulfillment of demand
of dowry to the tune of Rs. 10,000/. She was assaulted and
ultimately done to death.
4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case only for the



reason of his being the husband of the deceased. The allegations levelled in the F.I.R are false and concocted. The allegation of assault is falsified from the contents of the postmortem report wherein no external injury has been found. Further the cause of death is said to be asphyxia due to hanging which was as a result of suicide being committed by the deceased. It is submitted that charge has been framed in the learned trial Court, however no witness has been examined, as stated in paragraph no. 13 of the petition. The petitioner is in custody since 15.3.2023 and undertakes to abide by the conditions which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned APP for the State who submits that it is true that no external injury has been found in the postmortem report but the cause of death is asphyxia due to hanging.

6. Having heard learned counsel for the parties and having perused the material available on record, the contents of the postmortem report, the petitioner having remained in custody for more than 1 year 4 months since 15.3.2023 and charge having been framed in the learned trial Court, the petitioner is directed to be enlarged on bail in connection with S.Tr. no. 500 of 2023 arising out of Kursela P.S. Case no. 48 of



2023, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-V, Katihar on the following conditions :-

- (1) The petitioner shall remain physically present in court on each date of the trial and shall cooperate in the trial.
- (2) In case the petitioner is absent on any single date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into the custody till conclusion of the trial.

(Partha Sarthy, J)

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