

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40869 of 2024

Arising Out of PS. Case No.-215 Year-2023 Thana- BAKHARI District- Begusarai

Guddu Kumar Son of Sonelal Mahto R/O Vill.- Shakarpura, P.S.- Bakhri,
Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

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

ORAL ORDER

5 23-10-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bakhri
P.S. Case No. 215 of 2023 instituted for the offences under
Sections 304B, 302, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that the petitioner
alongwith the family members tortured and killed the deceased
for the non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is the husband of the deceased. Learned counsel for
the petitioner submits that general and omnibus allegation has
been made against the petitioner. No specific overt act is



alleged against the petitioner. Learned counsel further submitted that, in fact, the petitioner was not present in the house on the date of occurrence as he is an employee of Monaf Pvt. Company as Bike visiter and on the date of occurrence he was in another village (as per paragraph no. 11 of the present application). Learned counsel further submitted that as per paragraph no. 51 and 52 of the case diary, independent witnesses have stated that deceased herself created suicide. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.10.2023 and has no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case and the fact that there being no direct evidence against the petitioner available the case diary as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Bakhri P.S. Case No. 215 of 2023, 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)

Alok Verma/-

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