

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44399 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Mantosh Kumar S/o Late Krishna Mandal @ Krishna Prasad R/o vill -
Shekhopur Sarai, P.O.- Nimi, P.S. - Shekhopur, Sarai, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 21-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Shekhopur Sarai P.S. Case No. 04 of 2024 for the offence punishable under Sections 304B/34 of the Indian Penal Code lodged on 29.01.2024 by the informant, Binod Mandal.

3. As per the prosecution story, the informant alleged that his daughter was married to this petitioner in the year 2022 but always tortured for dowry and on the fateful day, the accused persons killed her. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that it was a happy marriage and they were also blessed with a child but due to small tiff, she committed, rushed to the Pawapuri Hospital but was declared death.



5. It is the case of the petitioner that a coordinate bench had called for case diary and as per the post-mortem report, the cause of death is due to asphyxia.

6. Learned APP opposes the prayer submitting that within two years of marriage, the death took place.

7. Though the allegation is there, the petitioner is the husband, the fact remains that the post mortem report shows that the death has occurred due to asphyxia by hanging, he is in custody since 24.04.2024 (para-15 of the petition) and it has been undertaken by the learned counsel for the petitioner that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Sheikhpura, in connection with Shekhopur Sarai P.S. Case No. 04 of 2024 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 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)

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