

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46410 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- BELCHHI District- Patna

Suraj Kumar Son of Shailendar Bind Village- Baso Pinda, Police Station-
Belchhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

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

ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sessions Trial No. 1222 of 2023 arising out of Belchhi P.S. Case No. 102 of 2023 instituted for the offences under Sections 304(b) & 34 of the Indian Penal Code.

3. As per prosecution case, the marriage of the deceased was solemnized with the petitioner and after marriage, the deceased went to her matrimonial home. It is alleged that the deceased was subjected to cruelty for non-fulfillment of dowry demand of a golden chain. It is further alleged that on the date of occurrence, the Informant came to know that his daughter was hanged to death by her husband and in-laws.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the husband of the deceased and has neither demanded any dowry nor has subjected the deceased to any cruelty. He further submits that the deceased always used to quarrel with the petitioner and, ultimately, she hanged herself in absence of her family and, thus, no case under Section 304(B) is made out against the petitioner. There is no direct or specific allegation of any overt act against the petitioner. He further submits that the date of occurrence is 22.08.2023 but, the F.I.R. was lodged on 24.08.2024 without there being any plausible explanation for such delay. The petitioner has no criminal antecedent and is languishing in judicial custody since 24.08.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is the husband of the deceased and the allegation alleged against him is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Sessions Trial No. 1222 of 2023 arising out of Belchhi P.S. Case No. 102 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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