

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47702 of 2024

Arising Out of PS. Case No.-923 Year-2023 Thana- AHYAPUR District- Muzaffarpur

Bholu Thakur @ Satendra Thakur S/o- Ram Ekbal Thakur @ Bukhari
Mohalla- Dadar Durga Asthan Police Line P s-Ahiyapur District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate

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

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

ORAL ORDER

5 12-11-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 923 of 2023 instituted for the offence
under Sections 304(B)/34 of the Indian Penal Code and Sections
3/4 of the Dowry Prohibition Act.

3. Prosecution case in short is the daughter of the
informant was done to death at her matrimonial house due to
non-fulfillment of the demand for dowry and dispute pertaining
to land.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 04-09-2023. Petitioner
bears one criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is the husband of the deceased. There is general and omnibus allegation against the petitioner. There is no eye witness to the occurrence and deceased herself has committed suicide. There is delay of 10 days in lodging the FIR. Referring to postmortem report, it is submitted that the doctor has found the cause of death to be only asphyxia as a result of ante mortem hanging and only one ligature mark over upper part of neck, contrary to the allegation of cutting vein of the deceased. It is submitted that charge sheet has been submitted in this case and on 18-04-2024 charge is also framed. Learned counsel goes on to submit that there is no ingredient of Section 304B of the IPC against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to paragraph Nos. 3, 4 & 5 of the case diary that witnesses have supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being general and omnibus allegation levelled against the petitioner



and charge being framed, this Court is inclined to grant bail to the petitioner.

8. 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 Ahiyapur P.S. Case No. 923 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)

Raj Kishore/-

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