

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48241 of 2024**

Arising Out of PS. Case No.-181 Year-2024 Thana- JAMUI District- Jamui

Rakesh Kumar Son of Late Sharan Sah Village- Purani Bazar Ps And District
-Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP
For the Informant : Mr. Gauri Shankar Prasad, Advocate

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

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner, learned APP

for the State, learned counsel for the informant and perused the

case diary.

2. The petitioner seeks bail in connection with Jamui
P.S. Case No. 181 of 2024 instituted for the offences under
Sections 302 and 349 of the Indian Penal Code and Sections 3
and 4 of the Dowry Prohibition Act.

3. Prosecution case, in short, is that, this petitioner
along with other family members has committed the murder of
the daughter of the informant for non-fulfillment of demand of
dowry.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



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 from bare perusal of the FIR, it is evident that this petitioner informed the informant about the death of the deceased which implies that this petitioner is innocent. Learned counsel further submits that, in fact, the allegation of demand of dowry and commission of murder due to non-fulfillment of the same is false and concocted and, in fact, petitioner being the husband of the deceased was living happily with her wife for last seven years. Learned counsel further submitted that deceased committed suicide and this fact has been got substantiated from the allegations alleged in the FIR. Learned counsel further contended that as per the post-mortem report, the cause of death is asphyxia due to hanging but there is no any external or internal injury present on the body of the deceased. Learned counsel further submitted that charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.03.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of



bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, no any direct allegation against this petitioner in 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 Jamui P.S. Case No. 181 of 2024, 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

