

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49522 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- DAGARUA District- Purnia

Mithilesh Kumar Son of Satya Narayan Bhagat R/O Vill.- Kashipur
Murliganj, P.s.- Murliganj, Dist.- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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

ORAL ORDER

4 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
Dagarua P.S. Case No. 94 of 2024 instituted for the offence
under Sections 302, 304B & 34 of the Indian Penal Code.

3. Prosecution case in short is that daughter of the
informant was done to death by the petitioner and his family
members due to non-fulfillment of the demand for dowry.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 23-03-2024. Petitioner is a
man of clean antecedent.

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. It is submitted that death of the deceased occurred in the informant's house. Learned counsel submits that petitioner came to his matrimonial house to celebrate first marriage anniversary and on the very next day, he left his matrimonial house and at that time, his wife (deceased) and brother-in-law were present. It is submitted that no case is made out under Section 304B of the IPC. It is lastly submitted that as per the postmortem report doctor has opined the cause of death to be strangulation by ligature. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that postmortem report corroborates the allegation levelled against the petitioner in the FIR and the involvement of the petitioner in the occurrence cannot be denied.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material against the petitioner, charge sheet being submitted and clean antecedent of the petitioner, 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 Dagarua P.S. Case No. 94 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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