

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48064 of 2023

Arising Out of PS. Case No.-332 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Vikash Kumar Son of Late Aghori Mandal Village Fatehpur Gangonia PS
Sultanganj Dist Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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

ORAL ORDER

6 26-02-2024 Heard learned counsel for the petitioner and

learned APP for the State as also perused the case diary.

2. Pursuant to the earlier orders dated
01.09.2023/04.12.2023 of this Court, the court below has
sent the progress report of the case along with depositions
of the witnesses, which is kept at Flag-B.

3. The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 332 of 2022 instituted for the
offences under Sections 498(A), 304(B), 201/34 of the
Indian Penal Code.

4. As per prosecution case, the allegation against
the accused persons including the petitioner is of demanding



dowry and a motorcycle. On non-fulfillment of the demand of dowry, the accused persons including the petitioner tortured the deceased daughter of the Informant in various way as also assaulted her. It is further alleged that the accused persons including the present petitioner has killed the deceased by tightening the rope around her neck.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case merely on suspicion. He further submits that there is a delay of eight days in instituting the F.I.R. without there being any explanation for the same. The petitioner is the husband of the deceased/Soni Devi. He again points out that all the witnesses have stated that the deceased/Soni Devi has died due to snake bite. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 09.02.2023.

6. The learned counsel for the petitioner has filed supplementary affidavit in which he has stated that the prosecution witnesses including the Informant have been



examined by the court below and they have not stated anything against the petitioner and have been declared hostile.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and stated that the allegation against the petitioner is serious in nature.

8. Considering the entire facts and circumstances of the case and taking into account the rivals submissions of the learned counsel for the parties as also after going through the progress report of the court below where most of the witnesses including the Informant have not supported the prosecution case and turned hostile, 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 Sultanganj P.S. Case No. 332 of 2022, subject to the conditions that;

(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)

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