

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54516 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- BAGHA District- West Champaran

Mantosh Rai Son of Yogendra Rai Resident of Village- Mahipur Chamwalia,
Ps- Bagaha, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

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

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

ORAL ORDER

4 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bagaha
P.S. Case No. 18 of 2023 instituted for the offences under
Sections 304B/34 of the Indian Penal Code.

3. As per prosecution case, the allegation against the
accused persons including the petitioner is of killing the
deceased by hanging due to non-fulfillment of dowry demand.

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. There is no eye-witness of the
alleged occurrence. There is also no specific or direct allegation



of any overt act against the petitioner rather the same is general and omnibus in nature. He has further submitted that the witnesses have also not supported the prosecution case rather they have stated that the wife of the petitioner was suspicious of petitioner's character and in infidelity, she committed suicide. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. He has further stated that the inquest report as well as the postmortem report also show the death to be suicidal. He again points out that the deceased was ill and was a lady of short temperament and she committed suicide on being suspicious of petitioner's character. The petitioner is languishing in judicial custody since 16.02.2023. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner has also filed supplementary affidavit bringing on record the depositions of the witnesses including the evidence of the Informant/P.W.1 who have been examined during trial and from perusal of their evidences, it appears that the victim of the case has committed suicide without any kind of abatement at the end of the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the case diary, 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 Bagaha P.S. Case No. 18 of 2023, subject to following conditions;

(i) One of the bailors shall be near relative 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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