

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58650 of 2024

Arising Out of PS. Case No.-284 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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Bhushan Rai @ Bhushan Kumar, aged about 26 years, Gender-Male, S/O Sri
Fuleshwar Rai, R/O Village- Bhawanandpur, Ward No. 03, P.S-
Udakishunganj, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Singh, Advocate

For the Opposite Party : Mr. Binod Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sessions Trial No. 42 of 2024, arising out of Udakishunganj P.S.
Case No. 284 of 2023 dated 30.08.2024 registered for the
offences punishable under Sections 304B/34 of the I.P.C. and
Sections 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have killed the sister of the
informant due to non-fulfilment of demand of Rs. 3,00,000/- as
dowry.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is the husband of the deceased. The petitioner neither demanded any dowry from the deceased and her family member nor she was subjected to torture either mentally or physically. The petitioner alongwith his wife (deceased) was living separately from his parents. He has no concern with any affairs of his family matter. It is further submitted that the informant has gifted a motorcycle to the petitioner but the said motorcycle was used by the informant for his own convenience. It is further submitted that one day prior to *Raksha Bandhan Festival*, the deceased demanded her motorcycle to visit paternal house but the informant denied to do so and due to this reason, the deceased choose to commit suicide by way of hanging. The other co-accused person Kavita Devi has already been granted bail by a Bench of this Court vide Cr. Misc. No. 35273 of 2024 under order dated 16.05.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 20.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the petitioner is the husband of the deceased and there is a direct allegation against the petitioner to kill the informant's sister



with the help of other co-accused persons for non-fulfilment of demand of dowry. It appears from the postmortem report that the death was caused by *Asphyxia* due to smothering.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Madhepura in connection with Sessions Trial No. 42 of 2024, arising out of Udakishunganj P.S. Case No. 284 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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