

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58249 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- PARASI District- Jehanabad

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Kaushal Kumar Son Of Khublal Choudhary Village-Kamata Mathiya, P.S.-
Parasi, District-Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharwan Kumar, Adv.

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

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

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Parasi
P.S. Case No. 102 of 2023 instituted for the offences under
Section 304(B)/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
accused petitioner is of torturing and demanding dowry from his
deceased wife/daughter of the Informant and, on non-fulfillment
of demand of dowry, he killed her.

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 of the deceased. He further



submits that there is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is no eye-witness to the alleged occurrence. The petitioner has neither demanded any kind of dowry nor has tortured her. He further submits that due to heated argument with the petitioner, she got anger and consumed poison and, thereafter, in course of treatment, she died. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.12.2023 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Kamla Devi has been granted bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 27847 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is a direct allegation against the petitioner and he is the husband of the deceased.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also there being no direct/specific allegation against the petitioner, 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 Parasi P.S. Case No. 102 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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