

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63676 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- BASANTPUR District- Siwan

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Magistar Prasad Son Of Jagdish Prasad Village- Basantpur, Tola Kanhauli,
Ps- Basantpur, Dist- Siwan, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B) and 34 of the Indian Penal Code.

3. It is case of dowry death of the informant's sister due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is husband of the deceased due to which he has falsely been implicated in this case. There is no prior complain in respect of dowry demand, harassment and torture, only on the basis of suspicion, he has been dragged in this case. There is no eye witness of the alleged occurrence. It is further submitted



from para-8 of this petition that the allegation against all accused persons is that they pressed the neck of the deceased but from perusal of the postmortem report, it is very clear that the deceased was died due to hanging which falsifies the prosecution case. From perusal of para-33 of the case diary, this fact has also come that the deceased died due to hanging. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 10.03.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Basantpur P.S. Case No. 71 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Siwan.

(Sunil Kumar Panwar, J)

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