

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66626 of 2024

Arising Out of PS. Case No.-517 Year-2023 Thana- MADHAURAH District- Saran

Chandan kumar Son of Shiv Kumar Manjhi Resident of village- Awari
Paschim Tola P.S -Marhowrah District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mili Kumari

For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Marhowrah P.S. Case No. 517/2023, registered for the offence
punishable under Section 304(B) and 34 of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is in custody
since 19.01.2024. The learned counsel for the petitioner submits
that petitioner being husband has been falsely implicated in the
instant case by the informant. It is next submitted that informant
alleges that his daughter was married to the petitioner on
22.06.2022 and after marriage the accused persons including the
petitioner were demanding a golden chain, it is next alleged that



petitioner was having illicit relationship with his own sister-in-law (*Bhabhi*), further the informant received an information on 20.08.2023 that accused persons are assaulting his daughter accordingly, he reached the place of occurrence when he saw the dead body of his daughter lying in the room and the accused persons had fled from the place of occurrence.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case being the husband of the deceased. It is further submitted that informant is not an eye witness to the occurrence nor he discloses that as to who informed him that his daughter was being assaulted by the accused persons. It is next submitted that had the petitioner and other accused persons been involved in the occurrence in that event efforts would have been made to dispose of the dead body for concealing the evidence, but then the dead body was found lying in the room of the deceased. It is also submitted that from perusal of the allegation as alleged in the FIR with regard to demand of dowry, it appears that the same is general and omnibus in nature and it does not appear probable that for one gold chain, the petitioner along with other accused would have killed the deceased. It is further submitted that from perusal of the order impugned, it would manifest that the same records that



cause of death was on account of asphyxia due to hanging, which amply demonstrates that the deceased committed suicide. It is also submitted that no doubt the death took place within seven years of marriage, but then all deaths are not dowry deaths. It is further submitted that charges against the petitioner have been framed, but then not a single prosecution witness has been examined.

5. Learned A.P.P. opposes the prayer for bail of the petitioner and submits that petitioner is the husband. It is next submitted that though it has been submitted that charges have been framed against the petitioner but then the same is not pleaded in the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Marhowrah P.S. Case No. 517 of 2023.

7. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall verify the fact that as to whether charges against the petitioner



have been framed or not and in the event if it is found that charges against the petitioner have not been framed in that event, the present bail order shall not be given effect to.

8. It is further made clear that if charges against the petitioner have been framed in that event the bail bonds of the petitioner shall be accepted forthwith, but if the learned Trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

(Satyavrat Verma, J)

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