

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69202 of 2024

Arising Out of PS. Case No.-118 Year-2022 Thana- GHOGHARDIHA District- Madhubani

Md Raju Son of Late Md Subhan Resident of Village - Ghoghardiha, Tola -
Usmanganj, P.S. - Ghoghardiha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 29-11-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with S.T. No. 192 of 2024 arising out of
Ghoghardiha P.S. Case No. 118 of 2022 registered for the
offence punishable under Sections 304(B), 34, 302, 120(B) of
the Indian Penal Code.

3. The marriage of the grand-daughter of the
informant was solemnized with the petitioner on 22.05.2022 as
per the Muslim rites and rituals. Soon after the marriage,
allegedly she was subjected to demand of dowry and on account
of non-fulfillment of the same, she was done to death.

4. Learned Advocate for the petitioner contended that
in fact, the petitioner became victim of the circumstances as on

the alleged date of occurrence, he was not even present in the house. Just fortnight before the occurrence, the petitioner had left the village for earning and this fact also stands supported by the statement of the independent witnesses. The independent witnesses have stated before the police that the petitioner on the alleged date of occurrence was not present and in fact, on the fateful day the deceased had committed suicide. It is next contended that be that as it may, now the petitioner has been incarcerated since 29.05.2023. The charges have already been framed and he undertakes that he will fully cooperate in the trial.

5. On the other hand, learned APP for the State vehemently opposes the bail application and has drawn the attention of this Court to the postmortem report that this is a case of strangulation leading to death of the deceased. The occurrence took place within a year and the death was under abnormal circumstances. Moreover, soon before the death, there was a demand of dowry and, as such, the presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the independent witnesses, whose statements were recorded under

Section 161 of the Cr.P.C., and have not supported the prosecution case coupled with the fact that the charges have already been framed and now the petitioner has been incarcerated for over a period of one and half years; there is no external injuries found over the body of the deceased, let the petitioner, named above, 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 learned Additional Sessions Judge III, Jhanjharpur, District Madhubani in connection with S.T. No. 192 of 2024 arising out of Ghoghardiha P.S. Case No. 118 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J.)

Jyoti Kumari/-

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