

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71618 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- KURLIKOT District- Kishanganj

Manik Malakar son of Dhiran Malakar Village- Bhaishloti Ps- Kurlikot Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Mr. Amal Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 07-05-2024 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the informant and perused the case diary.

2. The petitioner seeks bail in connection with Kurlikot P.S. Case No. 41 of 2023 instituted for the offence under Sections 304(B), 302 & 34 of the Indian Penal Code.

3. Prosecution case in short is that sister of the informant was done to death by administering poison and strangulation by her in-laws.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09-06-2023. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner is the husband of the deceased. It is further submitted that there is general and omnibus allegation levelled against the petitioner. Referring to the FIR, it is submitted that petitioner had given the information to the informant and petitioner had taken the deceased to the hospital thereafter, informant came. It is also submitted that informant is not the eye witness. It is next submitted by referring to the postmortem report that doctor has opined the cause of death due to asphyxia and shock as a result of hanging.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to paragraph No. 6 of the case diary that informant has stated that there was no mark on the neck of her sister and deceased has been done to death by administering poison by her in-laws.

7. Considering the aforesaid facts and circumstances of the case, taking into account the postmortem report and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, **after framing of charge, if not already framed**, 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 Kurlikot P.S. Case No. 41 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

