

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71773 of 2023

Arising Out of PS. Case No.-339 Year-2022 Thana- KHIJARSARAI District- Gaya

Rahul Kumar @ Rahul Sao Son Of Om Prakash @ Om Prakash Sao R/O
Village- Shaidpur, P.S.- Khizarsarai, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Mohan Das

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-02-2024 Heard learned counsel for the petitioner and learned counsel for the informant and learned APP for the State. Perused the case diary.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B) of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. Prosecution case relates to commission of murder of the informant's daughter 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 the husband of the deceased due to which he has falsely been implicated in this case. The informant is not an eye witness of the alleged occurrence. There is no prior complaint with respect to dowry demand or torture and harassment. It is further submitted in para 10 of the petition that deceased was a lady of modern thought



and she wanted to live separately in town with her husband and child only and for this she always used to pressurize her husband and other family members of her matrimonial home and when they denied the same she committed suicide. It is also submitted that as per the postmortem report, no external injury found and doctor opined that cause of death may be 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 18.09.2022.

5. Learned APP appearing for the state and learned counsel for the informant have 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 **after framing of charge, if not framed**. The above named petitioner is directed to be released on bail in connection with Khizarsarai P.S. Case No. 339 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya.

(Sunil Kumar Panwar, J)

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