

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73276 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Mithilesh Kumar @ Mikki Bhagat Son Of Jawahar Bhagat R/O Ward No. 19,
Saharsa, P.S.- Saharsa Sadar, Dist.- Saharsa

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-01-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302, 304(B), 342, 343, 201, 120(B) of the Indian Penal Code.

It is a case of dowry death of informant's daughter, by the petitioner and co-accused persons, due to non fulfillment of dowry demand of Rs. 3,00,000/-.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and being the husband of deceased, he has falsely been implicated in



the present case. There is inordinate delay of 5 days in lodging the F.I.R. There is no prior complaint of harassment and torture. Neither there is specific evidence against the petitioner nor there is any eye witness of the alleged offence. It is further submitted that petitioner is critically ill and suffering from kidney ailments. Deceased became critically ill and suffering from chest pain and breathlessness and she died on way to hospital. Father of deceased ie. informant himself cremated the body of deceased. Moreover, petitioner is languishing in judicial custody since 15.09.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail.



The above named petitioner is directed to be enlarged on bail in connection with Saharsa Sadar P.S. Case No. 146 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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