

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76406 of 2023

Arising Out of PS. Case No.-293 Year-2023 Thana- GARDANIBAG District- Patna

Rajkishore Prasad @ Suman Saurav S/O Late Kamla Prasad Yadav @ Late Kamal Prasad Yadav At- Paharpur, Police Colony, P.O- Anisabad, Ps. Phulwarisharif, Dist. Patna, Bihar-800002.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Prabhakar

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 05-07-2024 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 304(B) of the Indian Penal Code.

3. It is a case of dowry death of the informant's daughter by the petitioner along with his family members due to non fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Petitioner is husband of the deceased due to which he has falsely been implicated in this case. There is no prior complaint in respect of torture, harassment and dowry demand. There is no eye witness of the alleged occurrence only on the basis of hearsay, he has been dragged in this case. It is further submitted that as per



postmortem report, the doctor reserved the cause of death and sought for FSL report in respect of cause of death. From perusal of the FSL report, no metallic, alkaloidal, pesticidal and volatile poison could be detected. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 14.04.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. It is submitted by learned counsel for the petitioner that though petitioner is ready to deposit Rs. 10,00,000/-(Ten Lakhs) for the welfare/education/marriage of his minor daughter, but he is afraid that said amount may be misused by the informant who claims to be the guardian of the minor girl.

7. In that view of the matter, the petitioner is directed to deposit Rs. 10,00,000/-(Ten Lakhs) in the form of FIXED DEPOSIT in favour of the minor girl, which shall be encashed by her after getting maturity.

8. With the agreement of both the parties, the petitioner is directed to deposit **Rs. 5,00,000/-(Five Lakhs)** within a period of one month after his release in the form of FIXED DEPOSIT in favour of the minor girl/daughter of the petitioner and rest of the amount **i.e. 5,00,000/- (Five lakhs)**



will be deposited by the petitioner in form of FIXED DEPOSIT in favour of minor girl in next two months. He will hand over the certificate of FIXED DEPOSIT to the informant. The said FIXED DEPOSIT shall be encashed after getting maturity of the minor girl.

9. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner and the submissions made on behalf of petitioner, this court is inclined to enlarge the petitioner on **provisional bail**. The above named petitioner is directed to be released on **provisional bail** in connection with Gardanibagh P.S. Case No. 293 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Patna.

10. The provisional bail of the petitioner will be confirmed by the learned Court below on showing deposit receipt of entire amount i.e Rs. 10,00,000/-(Ten Lakhs) in the form of FIXED DEPOSIT in favour of the minor girl.

11. The application stands disposed off.

(Sunil Kumar Panwar, J)

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