

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83191 of 2023

Arising Out of PS. Case No.-339 Year-2022 Thana- ASHTHAWAN District- Nalanda

Nawal Kumar Son Of Sheo Balak Yadav R/O Village- Lakhichak, P.S.-
Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Meena Singh, APP
For the Informant/s	:	Mr. Pramod Kumar Yadav, Advocate
		Mr. Manish Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner as well as

learned counsel for the informant and learned A.P.P for the

State.

2. The petitioner has preferred this application for grant of regular bail in connection with Asthawan P.S Case No. 339 of 2022 dated 12.12.2022 registered for the offences punishable u/ss 341, 323, 504, 506, 109 and 498A read with Section 34 of the Indian Penal Code and Section 3 / 4 of the D.P. Act and later on, Sections 304B, 328 and 120B/34 of the IPC have been added.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant



mentally and physically due to non-fulfillment of demand of dowry. It is further alleged that the informant herself consumed pesticides (poison). The informant parents took her to Bihar Sharif for treatment and she was referred to Patna and was admitted to IGIMS.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is husband of the deceased. The petitioner neither demanded any dowry nor tortured the deceased. Learned counsel has submitted that the occurrence does not take place in her matrimonial home rather she died at her *maika*. The other co-accused person has already been granted bail by this court *vide* order dated 16.08.2023 passed in Cr. Misc. No. 50523/2023. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 19.06.2023.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Nalanda at Bihar Sharif in connection with Asthawan P.S Case No. 339 of 2022, with the condition :-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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