

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81716 of 2024

Arising Out of PS. Case No.-350 Year-2022 Thana- ATHMALGOLA District- Patna

Manish Kumar Son of Anil Yadav @ Munni Yadav R/O Vill.- Chanda, P.S.-
Athmalgola, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandrasen Prasad Singh, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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

ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Athmalgola P.S. Case No. 350 of 2022 dated 09.12.2022 registered for the offences punishable u/ss 304B read with Section 34 of the Indian Penal Code equivalent to Section 80 (Dowry Death)/ Section 3(5) of the Bhartiya Nayaya Sanhita, 2023.

3. As per the prosecution case, the petitioner and the other co-accused persons are alleged to have killed the informant's daughter due to non-fulfillment of demand of Rs. 1,50,000/- as dowry for purchasing of vehicle.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner neither demanded any dowry nor tortured and killed the informant's daughter. It is further submitted that the petitioner is the husband of the victim and he has no concern with the alleged offence. It is further submitted that the victim was not happy with her marriage as her father without her consent performed her marriage and due to which she has tension and committed suicide by hanging. Learned counsel has further submitted that when the victim committed suicide by hanging then the petitioner immediately informed her naihar people then they came and informed police. The post-mortem of the deceased was conducted by the doctor and the doctor has opined the cause of death is due to Cardio respiratory arrest due to Asphyxia generated by anti mortem Homicidal Hanging. Learned counsel has further submitted that the informant in his examination-in-chief has not stated about the cause of death of his daughter and there was no demand of dowry or torture by the petitioner and in cross-examination, P.W. 5 and P.W. 7 have not supported the prosecution case. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.08.2024.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner and submitted that the petitioner is the husband of the deceased who killed her due to non-fulfillment of demand of dowry. The prayer for anticipatory bail application of the petitioner was earlier rejected by this court vide order dated 12.07.2024 passed in Cr. Misc. No. 24720 of 2024.

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, Barh (Patna) in connection with Athmalgola P.S. Case No. 350 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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