

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81362 of 2023

Arising Out of PS. Case No.-512 Year-2023 Thana- SARAIYA District- Muzaffarpur

Munesh Kumar Son Of Yadu Ray R/O Village- Mungauli, P.S.- Saraiya, Dist.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 21-06-2024 Heard learned counsel for the petitioner,

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

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

It is a case of commission of murder of the daughter of the informant by all her in-laws family members including the petitioner for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. It is further submitted that



informant is father of the deceased and the deceased died on 02.08.2023 but the F.I.R was lodged on 05.08.2023 without explaining the delay. The petitioner is husband of the deceased. The deceased was not happy with the petitioner and she committed suicide by hanging herself. The postmortem report of the deceased suggests that death is caused by asphyxia as a result of *ante-mortem* hanging. There is no prior complaint regarding torture or demand of dowry against the petitioner. The petitioner voluntarily surrendered on 18.09.2023 and since then he is in custody. A statement has been made in para 3 of the petition that petitioner has clean antecedent.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that the deceased died within one year of the marriage. The petitioner is husband of the deceased and he was fully responsible



for commission of murder of the deceased.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail **after framing of charge, if the charge has still not been framed** and on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV (West), Muzaffarpur in connection with Saraiya P.S. Case No. 512 of 2023.

(Sunil Kumar Panwar, J)

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