

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81552 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- PALIGANJ District- Patna

Mukesh Kumar S/O Late Tulsi Mistry Village- Chhotki Masaudhi, Ps.
Paliganj, Dist. Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Anuj Kumar, Advocate Mr. Shyam Kishore, Advocate Mr. Rishi Sinha, Advocate
For the State	:	Mr. Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-02-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Paliganj P.S. Case No. 96 of 2023 instituted for the offence
under Sections 302, 328/34 of the Indian Penal Code.

3. As per the prosecution case, the marriage of the
daughter of the informant was solemnized with the petitioner
way back in the year 2003. The couple also blessed with two
sons, however, soon after the marriage, she was subjected to
torture on account of non-fulfillment of demand of dowry. It is
specifically alleged that on account of some dispute, the
daughter of the informant started living in her *Maika*, however,



a Panchayati took place and thereafter her husband brought her in the matrimonial house and thereafter the informant came to know that she was done to death by all the accused persons by administering poison.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10-05-2023. Petitioner is stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is general and omnibus allegation attributed to the petitioner. During course of investigation, it is emerged that family members have categorically stated that just a day before the occurrence a quarrel has taken place between one Jaikant Devi and the deceased and soon thereafter she has committed suicide. From perusal of the postmortem report, it is apparent that there is no external injury on the body of the deceased. Similarly situated co-accused have been granted bail by Co-ordinate Bench of this Court *vide* order dated 19-08-2023, passed in Cr. Misc. No. 53003 of 2023. Charge sheet has already been submitted in the instant case under Section 306 of the IPC.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity as also cognizance being taken under Section 306 of the IPC, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Paliganj P.S. Case No. 96 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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