

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4079 of 2024

Arising Out of PS. Case No.-625 Year-2021 Thana- BIDUPUR District- Vaishali

Mithu Ram @ Mithu Kumar Son Of Singeshwar Ram Resident Of Village-
Bulan Sarai, P.S.- Bidupur, District Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 12-07-2024 Heard learned counsel appearing on
behalf of the parties.

2. The petitioner seeks bail in
connection with Bidupur P.S. Case No. 625 of
2021 registered for the offence under Sections
304(B) of the I.P.C.

3. The petitioner is named in the F.I.R.
and is in custody since 25.07.2022.

4. The allegation against the petitioner
is to cause death of daughter of the informant
along with other family members/co-accused
persons due to non-fulfillment of demand of
dowry as raised for motorcycle.



5. Learned counsel appearing on behalf of the petitioner submitted that the implication of petitioner with present case is only for the reason that he is the husband of the deceased daughter of the informant. It is submitted that death was natural. In support of submission, learned counsel pointed out the autopsy report of the deceased which could not ascertain the cause of death, where physical injuries was also found absent. It is also submitted that preserved viscera fails to suggest any metallic, alkaloidal, glycosidal, pesticidal or volatile poison. It is further submitted by learned counsel that in fact the wife of the petitioner was suffering from high fever and she was under treatment at home. It is apparent from inquest report itself, that the needle for saline was noticed upon the dead body of the deceased daughter of the informant. While concluding the argument, it is submitted that the scientific evidence as collected during the



course of investigation *prima-facie* fails to suggest that death of the daughter of the informant was unnatural as to attract an offence under section 304(B) of the I.P.C. It is further submitted that the petitioner is in custody since 25.07.2022 and still this case is at the stage of appearance before the Id. trial court.

6. Learned APP opposes the prayer of bail and submitted that the petitioner is the husband of the deceased, facing specific allegation qua dowry demand.

7. In view of the aforesaid factual submission and by taking note of the fact that *post-mortem* report and also the preserved viscera fails to suggest *prima-facie* that the daughter of the informant died in unnatural circumstances, coupled with fact that petitioner is in custody since 25.07.2022, let the petitioner, above named, is directed to be released on bail in connection with Bidupur P.S.



Case No. 625 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., subject to further condition:-

(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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