

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17551 of 2024

Arising Out of PS. Case No.-305 Year-2023 Thana- Kharagpur District- Munger

Abhishek Jha Son of Madan Jha Resident of Village/Mohalla-Bageshwari,
P.S.-Haveli Kharagpur, Distt-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

7 16-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Kharagpur P.S. Case No. 305 of 2023 instituted for the offence
under Sections 304(B) & 34 of the Indian Penal Code.

3. Prosecution case in a nutshell is that daughter of
the informant has been done to death at her matrimonial house
by her in-laws due to non-fulfillment of the demand of dowry.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 10-10-2023. Petitioner
bears no criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner is the husband of the victim. Learned counsel next submits that there is no specific allegation attributed to the petitioner rather allegation is general and omnibus in nature. It is next submitted that other co-accused have been granted bail by the court below itself. Learned counsel submits that marriage of the petitioner was solemnized with the deceased in the year 2022 and since then, she had not made any complaint regarding cruelty against her. It is submitted that from perusal of the postmortem report, it would reveal that death was caused due to asphyxia caused by throttling. Learned counsel for the petitioner lastly submits that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Witnesses have supported the prosecution case, which fact finds mention at paragraph No. 8 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and there being no cogent material against the petitioner, even in the case diary as also charge sheet being submitted, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, 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 Kharagpur P.S. Case No. 305 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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