

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50976 of 2024

Arising Out of PS. Case No.-128 Year-2020 Thana- EKMA District- Saran

Kamlesh Manjhi Son of Bhikhari Manjhi Resident of Vill- Rampur Bindalal,
P.S.- Ekma, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-01-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 498(A) of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that she was married in the year 2016 with the petitioner and out of the wedlock two children were born, thereafter accused persons started demanding a motorcycle and Rs.50,000/-. It is further alleged that the accused persons assaulted the informant on 18.03.2023 and ousted her from her matrimonial home.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the



informant. It is further submitted that allegation of demand of dowry and assault is general and omnibus in nature. It is next submitted that informant herself alleges that she was ousted from her matrimonial home on 18.03.2020. It is also submitted that after the informant was ousted from her matrimonial home she was admitted at PHC, Maharajganj on 19.03.2020 where her fardbeyan was recorded. It is further submitted that the informant, during the course of treatment, died on 29.03.2020 but then till date Section 302 of the Indian Penal Code has not been added in the FIR. It is next submitted that from perusal of the postmortem report of the informant, it would manifest that Doctors have recorded that there was no sign of assault and the cause of death was due to peritonitis i.e. abdominal infection. It is also submitted that it is not that all deaths are dowry death. It is further submitted that though informant alleges that she was ousted from her matrimonial home but then in the postmortem report no external injury was found and the cause of death was recorded as abdominal infection. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ekma P.S. Case No. 128 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner, despite giving assurance to this Court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is further made clear that if charge-sheet is submitted against the petitioner connecting him with the offence in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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