

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78229 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- BIHIA District- Bhojpur

Munna Yadav @ Munna Kumar Son of Sri Bhagwan Yadav @ Bhagwan Yadav @ Sir Bhagwan Singh R/O Vill.- Dharhara, P.S.- Bihiya, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayashankar Mishra, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 27-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 347 of 2024, arising out of Bihiya P.S. Case No. 116 of 2023 instituted for the offence under Sections 341, 323 & 304(B) of the Indian Penal Code. Earlier *vide* order dated 12-01-2024, passed in Cr. Misc. No. 72951 of 2023, prayer of bail of the petitioner was rejected.

3. As per prosecution case, the informant alleged that her sister was married with the petitioner in the year 2018 and thereafter, the petitioner along with his family members subjected her to cruelty due to non-fulfillment of the demand of dowry. Ultimately, on 07-05-2023, the informant came to know



that her sister was murdered by strangulating her with wire and rope.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01-06-2023. Petitioner bears no criminal antecedents, 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. It is submitted that there is no prior complaint against the petitioner regarding torture and misbehaving due to demand of dowry. Learned counsel submit that charge sheet has been submitted in this case and cognizance has also been taken, thereafter, charge is also framed. From perusal of the FIR, it appears that there is no specific allegation against the petitioner. Learned counsel fervently submits that there is no likelihood of the trial being concluded in the near future.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that there is serious allegation levelled against the petitioner, hence, he does not deserve the privilege of bail.

7. A report was called for from the trial court and it is reported that there are seven charge sheet witnesses in this case



and they are yet to be examined and summons and bailable warrant has been issued against the witnesses.

8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and there is no likelihood of the trial being concluded in the near future, this Court is inclined to grant bail to the petitioner.

9. 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 Sessions Trial No. 347 of 2024, arising out of Bihiya P.S. Case No. 116 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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