

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78691 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- ISHUPUR BARAHAT District-
Bhagalpur

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Mithun Kumar Singh @ Mithun Singh Son of Nirmal Kumar Singh @ Nirmal
Singh Vill- Satho PS- Ishipur Barahat Dist -Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Adv

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Ishipur (Barahat) P.S. Case No. 103 of 2023 registered for

the offences under Sections 498 A, 304 B and 34 of the

Indian Penal Code and Section 3/4 of the Dowry Prohibition

Act.

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

custody since 17.12.2023.

4. The allegation against the petitioner is to cause

death of daughter of informant alongwith other co-accused

persons/family members due to non-fulfillment of demand of

dowry. The details of dowry demand not appears available

through FIR.



5. Learned counsel appearing on behalf of the petitioner submitted that it is a case of suicide, where to save family honour, the present allegation of dowry death was raised falsely. In support of his submission learned counsel pointed out that the marriage of deceased with petitioner was solemnized on 11.03.2023 as per FIR. The deceased was with her mother and she was eloped by her paramour as per Faraka P.S. Case No. 185 of 2023, namely Chandan Ghosh. It is submitted that occurrence was not informed to this petitioner being husband and to save the honour of the family the victim after recovery was forced to join the family of petitioner. It is submitted that out of said frustration wife of the petitioner committed suicide. It is also pointed that postmortem report categorically reveals the cause of death is “asphyxia due to hanging”. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.



7. In view of aforesaid facts and circumstances as mentioned above and by taking note of Faraka P.S. Case No. 185 of 2023 and also of the fact that autopsy report of deceased shows only ligature mark around the neck without any other bodily injuries, where cause of death is opined due to hanging, coupled with the fact as petitioner is in custody since 17.12.2023, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Ishipur (Barahat) P.S. Case No. 103 of 2023 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-X, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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