

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88640 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- KIUL District- Lakhisarai

=====

Bittu Kumar S/o- Sri Umesh Kumar Mahto @ Umesh Mahto Village-
Lakhochak Ps- Kiul Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :		Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Ravindra Kumar, Advocate Mr. Sanjeet Kumar, Advocate

=====

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

ORAL ORDER

3 31-01-2025 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the informant. Perused

the case diary.

2. The petitioner seeks bail in connection with Kiul

P.S. case No. 16 of 2024 instituted for the offences under

Sections 304B, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that the petitioner

alongwith the family members tortured and killed the deceased

for the non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submitted that

the petitioner has falsely been implicated in the present case.

Petitioner is the husband of the deceased. Learned counsel for



the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. No complaint was lodged regarding torture prior to the incident. Petitioner has never tortured his wife for any reason, let alone dowry. No case is made out against the petitioner under Section 304B of the IPC as there is no ingredients of 304B in the present case. All witnesses are hearsay witnesses. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.02.2024 and has no criminal antecedent. Father-in-law of the deceased has been granted bail by this Court *vide* order dated 04-09-2024, passed in Cr. Misc. No. 61046 of 2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Charge sheet has been submitted in this case and postmortem report suggest that death is caused due to throttling otherwise viscera report awaited.

6. Considering the aforesaid facts and circumstances of the case, there being no direct evidence against the petitioner even in the case diary as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. 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 Kiul P.S. case No. 16 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

