

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.88880 of 2024**

Arising Out of PS. Case No.-89 Year-2022 Thana- BHAGWANPUR District- Begusarai

Kundan Kumar Son of Baidyanath Yadav Resident of Mokhtiyarpur Dohra,  
P.S. - Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the State : Mr. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

4      07-05-2025                      Heard learned counsel for the petitioner and the  
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 266 of 2024 arising out of Bhagwanpur P.S. Case 89 of 2022 (Complaint Case No. 422 of 2022) registered for the offences punishable under Sections 304(B), 147, 148, 149, 323, 498(A) 201 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is that the petitioner along with eight family members had killed the daughter of the complainant due to non-fulfillment of the dowry and had concealed the dead body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the case which was initially lodged by way of complaint made 18 days



after the alleged incident. It was as an afterthought that the petitioner and others have been named in this case despite the fact that in-laws of the petitioner had participated in the funeral event of the wife of the petitioner. It has been further submitted that the petitioner and others have been falsely implicated with ulterior motives and no such occurrence as alleged has taken place and in support of his contention he placed a supplementary affidavit wherein deposition of two independent charge sheet witnesses have been brought on record wherein the two witnesses who have not been declared hostile stated in their cross-examination that the deceased Jyoti Kumari, in the night while she had gone to attend the call of nature, suffered a snake bite, resulting in her death. Lastly, it has been submitted that the petitioner has been in custody since 31.1.2023 and he has a clean antecedent.

5. The learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties and taking into account that during the course of trial the two independent charge sheet witnesses examined have not supported the factum of prosecution and the petitioner is in custody since 31.1.2023, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of the learned Additional Sessions Judge III, Begusarai in connection with Sessions Trial No. 266 of 2024 arising out of Bhagwanpur P.S. Case 89 of 2022 arising out of Complaint Case No. 422 of 2022 subject to the following conditions:-

- (i) The petitioner shall refrain making any contact with the prosecution side including the informant who has not yet been examined as witness.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.
- (iv) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

**(Sourendra Pandey, J)**

Prakash/-

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