

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90087 of 2024

Arising Out of PS. Case No.-561 Year-2022 Thana- MINAPUR District- Muzaffarpur

Phuldev Kumar @ Phuldev Sahani S/O Anandi Sahani Resident of Village-
Bahadurpur, P.S. Meenapur (Panapur OP), District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-07-2025 Heard Mr. Bhavesh Kumar, learned counsel for the

petitioner and Mr. Tapeswar Sharma, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Minapur P.S. Case No. 561 of 2022, F.I.R. dated 02.11.2022 for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. According to prosecution case, the informant's daughter was married to the petitioner in the year 2021. After two months of marriage, the in-laws began demanding a motorcycle as dowry and started torturing her. It is alleged that the in-laws along with 4-5 unknown persons, conspired and killed the informant's daughter by strangulation and then fled, leaving the body behind.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in this case merely on the ground that he is husband of the deceased. The allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact the deceased has committed suicide herself and it has come during investigation that she has committed suicide herself, apart from that it has also come during investigation that the petitioner was not present on the date of occurrence, he was in Arunachal Pradesh along with his family members.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner but fairly submits that it appears from the F.I.R. itself that the informant has cremated the dead body of deceased herself, apart from that she has supported the contention of the petitioner and submits that it has come in the case diary that the deceased has committed suicide herself, apart from that, the petitioner was not present at the time of occurrence, petitioner was in Arunachal Pradesh along with his family members.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of



his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Court of Judicial Magistrate, 1st Class, Muzaffarpur in connection with Meenapur P.S. Case No. 561 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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