

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49621 of 2014

Arising Out of PS.Case No. -433 Year- 2014 Thana -LAKHISARAI District- LAKHISARAI

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Deepak Kumar Sharma @ Dipak Kumar, Son of Tripurari Sharma, Resident
of Village - Ram Chandrapur, P.S. - Pipariya, District - Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Adv.
Mr. Lakshmi Kant Sharma, Adv.
Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, Addl.P.P.

For the Informant : Mr.Rajesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-03-2015

Heard.

The petitioner seeks bail in a criminal prosecution registered under Sections 304B and 328 of the Indian Penal Code as also under Section 3/4 of the Dowry Prohibition Act.

Learned senior counsel appearing on behalf of the petitioner submits that, though the petitioner happens to be the husband of the deceased and there is allegation against him in the FIR vide Annexure-1 for commission of crime in question, but during the course of investigation the prosecution allegations were not supported by the independent witnesses and finally after close of the investigation the charge-sheet was submitted only under Section 306 of the Indian Penal Code. It is further submitted that the petitioner is in judicial custody since 30.07.2014.

Learned Addl. P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant have opposed the prayer for bail, but have not disputed the aforesaid

submissions.

In the facts and circumstances of the case, the prayer for bail is allowed. The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S.Case No.433 of 2014, subject to the conditions that:

- (a) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (b) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (c) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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