

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27500 of 2017

Arising Out of PS.Case No. -40 Year- 2000 Thana -KRITYANAND NAGAR District- PURNIA

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1. Ajit Mishra, Son of Late Bindu Nath Mishra, resident of village- Majra,
Police Station- K. Nagar, (Krityanand Nagar) (Maranga), District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Opposite Party/s : Mr. Rajballabh Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for offences punishable under Sections 304 (B), 498 (A) and 120 (B) of the Indian Penal Code.

The prosecution case as lodged by the brother of the deceased, Sarojini Devi is that the petitioner, who is the brother-in-law (devar) of the deceased along with the husband and other family members have tortured and killed her for non fulfillment of demand of dowry.

It has been submitted that the petitioner is devar and there are general and omnibus allegations levelled against him and one of the co-accused, who is also devar of the deceased, namely



Malik Mishra @ Piku has been acquitted by the learned 2nd Additional District and Sessions Judge, Purnea in Sessions Trial No. 571 of 2004 on 31.3.2015 wherein the informant had not appeared for deposition and the said accused Malik Mishra has been acquitted for lack of evidence. He submits that allegations are of similar nature as that of the other accused, who has been acquitted.

However, learned A.P.P. for the State submits that in the year 2001 his anticipatory bail has been rejected by this Court in Cr. Misc. No. 7818 of 2001 date 30.07.2001 and thereafter, the petitioner remained an absconder delaying trial, hence, opposes the prayer for bail.

Considering the facts and circumstance of the case and materials on record, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 40 of 2000, subject to the condition that one of the bailors would be a close relative of the petitioner and other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/Court, who will file an affidavit stating his relationship with the petitioner and that the petitioner is directed



to appear before the learned Court below on each and every date and failure to appear before the Court on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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