

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45270 of 2017**

**Arising Out of PS.Case No. -196 Year- 2017 Thana -MAHESI**  
**District- EASTCHAMPARAN(MOTIHARI)**

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Bhikhu Sah son of Khenari Sah R/o Village - Mithanpura, P.S. Mehshi,  
Dist. East Champaran. .... Petitioner

Versus

The State of Bihar .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Sunil Kumar Singh, Advocate  
For the Opposite Party : Mr. Navin Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      19-09-2017                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the  
offence under sections 304B and 201/34 IPC and  $\frac{3}{4}$  Dowry  
Prohibition Act.

Counsel for the petitioner submits that the petitioner  
has falsely been implicated in this case due to ulterior motive as,  
being a co-villager of the husband of the deceased, he had  
negotiated their marriage. Besides this, offence under section  
304B IPC would not be attracted against him as he is not the  
relative of her in-laws. Prior to the instant case, no case is  
pending against the petitioner and he is in custody since  
5.7.2017.

In view of the aforesaid submissions, let the petitioner  
as mentioned above be released on bail on furnishing bail bond  
of Rs.10,000/- with two sureties of the like amount each to the  
satisfaction of the Chief Judicial Magistrate, East Champaran,  
Motihari in Mehshi Police Station Case No. 196 of 2017 on the  
following conditions:-



(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(b) The affidavit shall clearly state that the petitioner is not an accused in any other case, and if he is, he shall not be released on bail.

(c) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(e) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

**(Madhuresh Prasad, J)**

Shashi.

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