

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.285 of 2019

Arising Out of PS. Case No.-68 Year-2018 Thana- BISHUNPUR District- Darbhanga

Prabhat Kumar @ Roushan Kumar @ Bittu, son of Ajay Kumar Jha, Age-22 (M), resident of village- Ojhoul, P.O.- Ojhoul, P.s.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 21-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Bishanpur P.S. Case No. 68/2018 registered for the offence punishable under Sections 302/304(B)/201/120(B) of the Indian Penal Code.

Allegation against the petitioner is to have allegedly killed the sister of the informant and tried to show the same as road accident along with F.I.R. named accused due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that postmortem report negates suspicion of informant with respect to murder of his sister rather establish



a case of road highway accident. As per postmortem report, lacerated wound nos.(i) to (iv) were bruise simple in nature. Graze abrasion no(ii) was grievous and dangerous to life which was 10" x 5" in left side of abdomen and cause of death, whereas other graze abrasions (i) and (iii) to (vii) were found simple in nature. Graze abrasions are peculiar feature of Highway injuries. Petitioner has no criminal antecedent and he is in custody since 28.08.2018.

Informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Darbhanga in connection with Bishanpur P.S. Case No. 68/2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

Sanjay/-

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