

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous Case No. 18107 of 2020

Rambali Vishwakarma, Son of Dowarika Mistry, resident of village- Ghurha

.. ... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Respondent/s : Mr. Ram Naresh Roy, APP

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 17-07-2020

Heard learned counsel for the

petitioner and learned counsel for the State.

Petitioner seeks regular bail in a case

registered for the offence punishable under sections

304B/34 of the Indian Penal Code.

Earlier the bail of the petitioner was

rejected vide order dated 21.02.2019 passed in

Criminal Miscellaneous No. 137 of 2019 as

contained in Annexure 1.

Informant is the father of victim who

has alleged that marriage of his daughter was

solemnized with petitioner 8 months earlier and

thereafter, she was being tortured and harassed due



to non-fulfilment of demand of dowry. It is further alleged that on 20.12.2016 he and his co-villagers had gone to the matrimonial home of his daughter to pacify the matter and while they were returning on the next day, i.e., on 21.12.2016 at about 7.30 a.m., he was informed that his daughter has become unconscious and thereafter he returned to her matrimonial home and found his daughter lying dead on the bed. There was black mark on her neck and it is alleged that she died due to strangulation.

It is submitted on behalf of petitioner that petitioner is innocent and has been falsely implicated in this case only on the basis of suspicion. The post-mortem was conducted and cause of death could not be ascertained, as such, allegation of strangulation is not correct. All family members have been made accused in this case. Petitioner had surrendered in the court on 28.8.2018 and since then he is in judicial custody. Charges has already been framed, however, only one witness has been examined till now. Petitioner has no criminal antecedent.



Learned counsel for the State opposes 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 on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount in connection with **S. Tr. No.25/2014-63/2019 arising out of Wazirganj P.S. Case No.521/2016** to the satisfaction of learned court below where the case is pending, subject to the following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and valid reason, the trial court shall have liberty to cancel his bail bonds.
- (2) 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.
- (3) If the petitioner is found involved in similar nature of offence, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

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