

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23006 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- GRIYAK District- Nalanda

Ramkrishna Prasad, aged about 73 years (Male) Son of Late Rameshwar Mahto, Resident of Village - Chorsua, Police Station - Giriyak, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 13-11-2020 Heard Mr. Sunil Kumar Singh, learned counsel for the petitioner and Mr. Md. Arif, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Sessions Trial No. 606 of 2019 arising out of Giriyak P.S. Case No. 138 of 2019 registered for the offence under Section 304(B) / 34 of the I.P.C.

The allegation as per the First Information Report is that the daughter of the informant was married to the co-accused Anand Kumar (i.e. son of the petitioner) in the year 2016 and after marriage the petitioner along with other accused persons started demanding Rs. 1 Lakh and a motorcycle as dowry and due to non fulfillment of the demand the daughter of the informant has been killed in the night of 14.04.2019 by pressing her neck.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged



and the petitioner is the father- in- law of the deceased aged about 73 years. Learned counsel for the petitioner submits that petitioner has been residing with his elder son at Surat. Learned counsel further submits that there is no specific allegation against the petitioner and during the course of investigation it has come to light that the deceased has died of Asphyxia due to strangulation. Learned counsel further submits that Police after investigation in its supervision note has found the allegation against the petitioner as not true. Learned counsel next submits that petitioner is in custody since 20.08.2019 i.e. for more than 01 year.

On the other hand, learned counsel for the State referring to the case diary submits that the petitioner is named in the F.I.R. and the deceased has died within seven years of marriage in her matrimonial home however learned counsel for the State has supported the submission of learned counsel for the petitioner that Police in the supervision note has not found the case against the petitioner as true.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that petitioner is in custody since 20.08.2019 and is aged about 73 years, I am inclined to grant regular bail to the



petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Jnd Addl. Sessions Judge, Biharsharif (Nalanda) / court concerned in connection with Sessions Trial No. 606 of 2019 arising out of Giriyak P.S. Case No. 138 of 2019 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall be liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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