

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22988 of 2020

Arising Out of PS. Case No.-23 Year-2019 Thana- DHIBRA District- Aurangabad

Rahul Kumar (male) aged about 20 years, Son of Ram Pravesh Yadav,
Resident of Village - Kodiyari, P.S. - Dhibra, District - Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Leelawati Kumari
For the Opposite Party/s :	Mr. Manish Chandra Gandhi, Advocate
	Mr. Binod Kumar No. III, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 13-11-2020 Heard Mrs. Leelawati Kumari, learned counsel for the petitioner , Mr. Manish Chandra Gandhi, learned counsel for the informant and Mr. Binod Kumar No. III, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Dhibra P.S. Case No. 23 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 one Lallu Yadav in the year 2019 and after the marriage the husband of the deceased along with and other accused persons including the petitioner started demanding dowry and due to non fulfillment of the demand the daughter of the informant has been killed by



setting her on fire.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he happens to be the nephew of the husband of the deceased. Learned counsel further submits that there is no specific allegation against the petitioner and during the course of investigation no material has come against the petitioner to connect him in the present offence. Learned counsel also submits that the petitioner is a student and is preparing for competitive examination and on the date of occurrence he was attending coaching classes. Learned counsel further submits that mother of the petitioner has been granted bail by this Court in Cr. Misc. No. 23050 of 2020. Learned counsel also submits that petitioner is in custody since 25.11.2019.

On the other hand, learned counsel appearing for the informant as well as State vehemently opposes the prayer of bail and submits that petitioner is named in the First Information Report and the cause of death of the deceased is Asphyxia due to suffocation. Learned counsel further submits that the daughter of the informant has been killed within one year of her marriage.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the



fact that the petitioner is the nephew of the husband of the deceased and the mother of the petitioner has been granted bail by a co-ordinate Bench of this Court and the petitioner is in custody since 25.11.2019, 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. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (BIHAR) / court concerned in connection with Dhibra P.S. Case No. 23 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.

praful/-

(Anil Kumar Sinha, J)

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