

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23497 of 2020**

Arising Out of PS. Case No.-328 Year-2018 Thana- BHELDI District- Saran

TINKU BAITHA S/o Madan Baitha Resident of Village- Bheldi, P.S.- Bheldi,
Distt- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr Kanhaiya Kishore, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 **14-12-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Bheldi Police Station (for brevity, *PS*) Case No 328 of 2018 dated 01.12.2018 instituted for the offence punishable under Sections 304B, 201/34 of Indian Penal Code.



The petitioner is accused (husband). The informant has lodged case that his daughter has been done to death at her in-laws' house for alleged non-fulfillment of the demand of dowry.

Learned counsel for the petitioner submits that it is a false case and that the petitioner is in custody for more than two years. It is further submitted that till date, the trial has not progressed even after framing of charges as none of the witnesses have deposed during trial.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate XII, Saran, Chapra in Bheldi PS Case No 328 of 2018 corresponding to Sessions Trial No 76 of 2020 subject to the following conditions:-

(i) That 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 the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

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

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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