

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23495 of 2020

Arising Out of PS. Case No.-143 Year-2019 Thana- NAUTAN District- Siwan

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Rajendra Kharwar @ Rajendra Prasad Kharwal, S/o Raghunath Kamkar,
Resident of Village-Sujaw, P.S.-Nautan, District-Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all 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 connection with Nautan P.S. Case No.143 of 2019 registered for the offence punishable under Section 304B of the Indian Penal Code.

Allegations are under Section 304B I.P.C.

Counsel for the petitioner submits that merely because



the petitioner is the father-in-law of the victim, he has been implicated in this case. The allegation of sprinkling K. oil on the body of the victim, which has been made against him, stands falsified by the post-mortem report wherein the same has not been corroborated. He submits that the husband of the victim is already in custody. The petitioner is in custody since 10.09.2019 i.e., now for more than a year. He also submits that this Court should consider the petitioner's advanced age of 67 years having the allegations and the submissions in the background.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Siwan, in connection with Nautan P.S. Case No.143 of 2019, 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.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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