

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12862 of 2021**

Arising Out of PS. Case No.-88 Year-2019 Thana- SUGAULI District- East Champaran

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RAVI KUMAR @ LAL BABU SAH S/O NAWAL KISHORE SAH R/O
VILLAGE-NAYAKA TOLA, SUGAULI, P.S SUGAULI, DISTRICT-EAST
CHAMPARAN, MOTIHARI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 02-09-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Braj
Kishore Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Sugauli P.S. Case No. 88 of 2019 registered for
the offences punishable under Sections 304(B)/34 of the Indian
Penal Code. He is in custody since 06.01.2020

As per the prosecution story, the marriage between the
petitioner and the deceased had taken place in the year 2017. It
alleged that three months after the marriage the accused persons
who are the petitioner and his family members started demanding
a motorcycle, a golden chain and cash Rs. 50,000/- and due to

non-fulfillment of this demand, she was being assaulted. The informant who is mother of the deceased came to know on 07.03.2019 that her daughter has been killed.

Learned counsel for the petitioner submits that it was a new marriage between the petitioner and his wife and in course of investigation it has come through the witnesses whose statements are recorded some of them have been recorded in paragraph '18' and '25' of the case diary that this petitioner was having good relationship with his wife, the allegation of torture have been made against the in-laws and against her own parents.

Learned counsel further submits that when the dead body was taken out from the hanging place, the co-villagers were present and this petitioner was not there in the house. The post-mortem report does not indicate any anti-mortem injury on the body of the deceased though death due to asphyxia caused by hanging has been found.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but after going through the case diary, learned A.P.P. accepts that in the case diary there is no independent witness complaining against the petitioner. It has come that this petitioner was maintaining good relationship with his wife. The post-mortem report does not indicate any ante-mortem injury.

Considering the facts and circumstances of the case wherein no material involving the petitioner by any independent witness has been brought to the notice of this Court and he has remained in custody for over one and half year but the trial is not likely to be concluded in near future, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 88 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.