

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12929 of 2021**

Arising Out of PS. Case No.-264 Year-2020 Thana- JOGAPATTI District- West Champaran

ARBHAS PRASAD @ ARBIND PRASAD S/o Yogendra Prasad R/o village-
Ojhwaluya, P.S.- Yogapatty, District- West Champaran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

3 25-08-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Yogapatti P.S. Case No. 264 of 2020 registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per prosecution story, the daughter of the informant solemnised marriage with the petitioner 8 years ago and out of the said wedlock they have a son and a daughter. On 22.06.2020 the petitioner and his family members demanded Rs. 1 lakh to purchase a motorcycle as dowry from the daughter of the informant. When the daughter of the informant said that his father is poor and he would be unable to give the said money,

then Jitendra Prasad and his wife abused her and poured kerosene oil on her body and burnt the daughter of the informant.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no independent witness to support the allegation of demand of dowry from the deceased. The petitioner is in jail since 03.07.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed the submission of learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State that the marriage between the parties was 8 years old, they have got a son and a daughter, they come from a labour class and the allegation of demand of dowry and killing of the daughter of the informant for non-fulfillment of demand of dowry has not been supported by any independent witness in course of investigation and nobody has said that this petitioner has poured kerosene oil on the body of his wife and has burnt her, the allegation being not substantiated in course of

investigation and the petitioner having remained in jail for over one year, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 264 of 2020, subject to the conditions 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.

The application stands allowed.

(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'.