

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14592 of 2021**

Arising Out of PS. Case No.-141 Year-2019 Thana- PHULWARIA District- Begusarai

RAJA KUMAR Son of Kailash Ram Resident of Village- Fulwaria, Tara Adda, Ward No.01, P.S.- Fulwaria, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Ram Priya Saran Singh, APP

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

3 09-09-2021 Heard learned counsel for the petitioner and Mr. Ram Priya Saran Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Phulwaria P.S. Case No. 141 of 2019 registered for the offences punishable under Section 304(B) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He is in custody since 02.09.2020.

As per the prosecution story, the marriage between the petitioner and the victim had taken place about two year ago. There is an allegation that the petitioner, his mother and father all the three were demanding a motorcycle and sum of Rs. 50,000/- as dowry and on non-fulfillment of the said demand they were beating the daughter of the informant. It is alleged that on 20.10.2019 Manju Devi who is mother of the petitioner

had poured kerosene oil on the body of the victim and set her at fire.

Learned counsel submits that in the First Information Report itself there is no specific allegation against this petitioner. The petitioner is working outside the place of occurrence and was not present at the time of the alleged occurrence. It is submitted that in paragraph 27 & 28 of the case diary, the co-villagers, who are from the place of occurrence, have stated that they went to the house where the victim was seen in burnt condition and people were saying that she had set herself on fire.

Learned counsel further submits that in the case diary it has also come that this petitioner was not there in the village and was outside in connection with his work.

Mr. Ram Priya Saran Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that in paragraph 25 & 26 the family members of the deceased have supported the allegation.

Considering the facts and circumstances of the case, the materials placed before this court saying that the petitioner was not in his house and he was working somewhere away from his village and further on noticing that in the F.I.R. the specific

allegation of the overt act is only against the mother of the petitioner, the petitioner has remained in jail for over one year, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – 1st, Begusarai in connection with Fulwaria P.S. Case No. 141 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.