

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18898 of 2021**

Arising Out of PS. Case No.-451 Year-2018 Thana- CHANPATIA District- West Champaran

SANTOSH PRASAD KUSHWAHA @ SANTOSH KUMAR KUSHWAHA
SON OF SRI TRIVENI MAHTO @ CHOKAT MAHTO R/O VILLAGE-
TIRHUTIYA TOLA, WARD NO.08, P.S.- CHANPATIA, DISTRICT- WEST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-07-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in a case registered for the offence punishable under sections 304B, 201 and 120B of the Indian Penal Code.

Petitioner is husband of the deceased and allegation against him is of causing death of the deceased for dowry and cremating the dead body without informing the informant.

Earlier bail application of petitioner was rejected with observation that once the informant and his family members have been examined in this case during trial, the petitioner is at liberty to renew his prayer for bail.



It is submitted on behalf of the petitioner that three prosecution witnesses including the informant have already been examined and none has supported the prosecution case. Petitioner is in custody since 20.05.2019.

Learned counsel for the State opposes prayer for bail.

Considering the facts and circumstances of the case, this bail application is allowed. Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 5th Addl. Sessions Judge, West Champaran at Bettiah in Sessions Trial no. 608/2019 arising out of Chanpatia P.S. Case no. 451/2018 on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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