

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23547 of 2021**

Arising Out of PS. Case No.-669 Year-2020 Thana- BANKA District- Banka

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BHARAT YADAV S/O MAHESHWARI YADAV R/o village- Punarwash,
P.S.- Banka, Distt.- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 21-12-2021 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Banka
P.S. Case No. 669 of 2020 registered for the offence under
Sections 304(B)/34 of the Indian Penal Code.

The daughter of the informant is subjected to
assault or torture and she was done to death on account of
non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,
the petitioner, who happens to be husband of the deceased,
has performed love marriage with the deceased and he



never assaulted the deceased nor he demanded any dowry from his wife-deceased. No specific allegation of any overt act is attributed to the petitioner. There is no eye witness to the alleged occurrence also. As a matter of fact, the inquest report clearly suggest that the wife of the petitioner died due to severe diarrhea. Moreover, charge-sheet in this case has been submitted against the petitioner. The petitioner is rotting in judicial custody since 18.08.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and referring to paragraph-8 of the case diary, he submits that the one of the prosecution witnesses has revealed that the deceased died due to diarrhea.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 learned C.J.M., Banka in connection with Banka P.S. Case No. 669 of 2020 with 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.

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.

(Rajesh Kumar Verma, J)

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