

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37291 of 2020

Arising Out of PS. Case No.-193 Year-2019 Thana- MANJHI District- Saran

SHAIENDRA KUMAR RAI SON OF PRABHU RAI @ PRABHU NATH
RAI Resident of Village - Phuchati Kala , P.S.- Ekma, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar Yadav Son of - Late Jagarnath Yadav Resident of Village-
Narwar, P.S.- Manjhi, District- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Chandra Mohan Jha, Advocate
For the S t a t e	:	Mr Bhanu Pratap Singh, APP
For the I n f o r m a n t	:	Mr Samrendra Kumar Jha, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 18-03-2021 Heard learned counsel for the petitioner, informant
and the learned APP for the State.

The petitioner seeks bail in Manjhi Police Station (for
brevity, *PS*) Case No 193 of 2019 dated 30.06.2019 instituted
for the offence punishable under Sections 498A, 304B, 201/34
of Indian Penal Code.

On 15.03.2021, it is submitted by the learned counsel
for the petitioner that deposition of the informant (brother of the
victim girl) has been placed on record. However, the same is
not available on record and, to facilitate consideration of the
prayer for bail, a copy is being supplied to the Court.

Earlier, notice was issued to the informant/opposite



party No 2. Learned counsel has appeared representing informant/opposite party No 2. Learned APP for the State is also present.

Placing reliance on the deposition of the informant at the trial, it is submitted by the petitioner's counsel that the informant has stated at the trial that the victim (wife of the petitioner) died owing to illness. He has clearly stated in his deposition that she was being kept honourably at her in-laws' place and there was never any demand for dowry made. It is submitted that in view of such deposition of the informant, the entire prosecution case stands belied.

Learned counsel for the informant/opposite party No 2 does not dispute or deny these submissions, based on copy of the deposition of the informant. Learned APP for the State is also present but is not in a position to deny the submission of the learned counsel for the petitioner.

In view of the aforesaid circumstances and having regard to the fact that the petitioner is in custody since 04.02.2020, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial



Magistrate XIV, Saran at Chapra in Manjhi PS Case No 193 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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