

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49630 of 2021**

Arising Out of PS. Case No.-61 Year-2020 Thana- KARTAHA District- Vaishali

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DHARMENDRA RAI Son of Umesh Rai Resident of village - Shekhpura
Chak, Kartaha, P.S.- Kartaha, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Kartaha P.S. Case No. 61 of 2020 registered for the offences punishable under Sections 304(B), 201/34 of the IPC.

As per FIR, there is allegation that the accused persons including the petitioner caused death of the deceased due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He



further submits that it appears from the FIR itself that there is general and omnibus allegation against all the accused persons including the petitioner. Petitioner is Bhaisur of the deceased. It is further submitted that co-accused, namely, Manoj Rai, Sanoj Rai, Pappu Rai, Suman Devi and Parwati Devi have been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 16.07.2021 passed in Cr. Misc. No. 34359 of 2021. Petitioner is in custody since 20.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-XV, Vaishali at Hajipur in connection with Kartaha P.S. Case No. 61 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled 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.

3. 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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