

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.126 of 2021**

Arising Out of PS. Case No.-176 Year-2020 Thana- RAXAUL District- East Champaran

Niranjan Kumar, Son Of Om Prakash Sah @ Om Prakash Prasad, Resident of
Kanana, P.S. - Raxaul, District - East Champaran, Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kundan Rathore, Advocate

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

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

5 15-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajit Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Raxaul P.S. Case No. 176 of 2020 registered for the offence punishable under Section 304 (B) and 34 of the Indian Penal Code. He is in custody since 18.08.2020.

The prosecution story, in brief, is that the informant's daughter was married to Shashi Kumar, son of Omprakash Sah on 06.12.2014 according to Hindu rites and ritual. It is further alleged that soon after the marriage, in-laws of the deceased



started demanding Rs. 10,00,000/- and one car as dowry. Due to non- fulfillment of demand of dowry several Panchayati were held but after intervention of court, the son-in-law of the informant namely Shashi Kumar took the deceased in her matrimonial house in the year 2018. It is further alleged that on 22.05.2020 due to non-fulfillment of demand of dowry, the husband, father-in-law and Bhaisur had killed the informant's daughter.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has been falsely implicated in this case. Learned counsel submits that this petitioner is said to be elder brother-in-law (Bhaisur) of the deceased and in the First Information Report there is no specific allegation against him. It is submitted that the petitioner is in custody in connection with this case since 18.08.2020 having no criminal antecedent.

Mr. Ajit Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this petitioner is said to be elder brother-in-law (Bhaisur) of the deceased and in the First Information Report there is no specific allegation against him, it is revealed that



there had been some matrimonial dispute between the husband and the wife and with the intervention of the court, the wife had gone to stay with her husband, so far as this petitioner is concerned, he being the elder brother lives separately in mess and business, he is in custody since 18.08.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul, Motihari, East Champaran in connection with Raxazul P.S. Case No. 176 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

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)

vats/-

U		T	
---	--	---	--

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'.

