

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6958 of 2021

Arising Out of PS. Case No.-365 Year-2020 Thana- SAKRA District- Muzaffarpur

RAUSHAN KUMAR Son of Ram Naresh Rai Resident of Village - Malpur
Agrail, P.S. - Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mauli Chaurasia, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 17-04-2021 The defect (s) as pointed out by the Office be removed by the learned counsel for the petitioner within two months after High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

Informant has alleged that he has married his daughter Jyoti Kumari with Vicky Kumar as per Hindu rites about fourteen months back. On 03.08.2020 at 10:00 p.m., Vicky Kumar had come to his house and on 04.08.2020 at 11:00 a.m., he along with some other friends took her daughter towards



Jamuari river by inducing her and they drowned her in the river and she died. The associates were Raushan Kumar, Deepak Kumar (petitioner) and Lalu Yadav.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to dirty village politics. It is further contended that petitioner even does not know the son-in-law of the informant nor he recognizes him and since the petitioner and the informant belongs to the same village and hence due to previous dispute of boundary of land with the informant, the petitioner has been falsely implicated in this case. It is further submitted that though petitioner is named in the FIR but there is no any specific allegation of any overt act against the petitioner. Petitioner has no criminal antecedent and he is in custody since 04.08.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sakra P.S. Case No. 365 of 2020, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

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