

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7438 of 2021**

Arising Out of PS. Case No.-209 Year-2020 Thana- ISLAMPUR District- Nalanda

SURENDRA PRASAD Son of Ishwari Prasad Resident of Village - Bhelua
Bigha, P.S.- Islampur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Nandu Kumar Yadav, Advocate
For the Opposite Party/s : Mr Mritunjay Kr Nirala, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-06-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Islampur Police Station
(for brevity, *PS*) Case No 209 of 2020 instituted for the offence
punishable under Sections 304B, 201/34 of Indian Penal Code.

Being elder brother of the husband of the alleged
victim, the petitioner was implicated in this case and is in
custody since 26.09.2020.

Case of the prosecution is that about six years ago, the
daughter of the informant was married with the petitioner's
younger brother and has been done to death for non-fulfillment



of the demand for dowry. Drawing attention of the Court towards the First Information Report (for brevity, *FIR*), petitioner's counsel submits that in the *FIR*, it has been alleged that all the family members of the victim's husband were abetting the offence. Under such circumstances, based only on the relationship of the petitioner with the victim's husband, the petitioner has been implicated in this case.

Learned APP has opposed the prayer for bail.

Considering the aforesaid, 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, Hilsa (Nalanda) in connection with Islampur PS Case No 209 of 2020 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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