

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9149 of 2021

Arising Out of PS. Case No.-175 Year-2019 Thana- JOGAPATTI District- West Champaran

Nagina Mukhiya Son of Late Jagarnath Mukhiya, resident of village - Khalwa Tola Piprahiya Kaulpur, P.S. - Jogapatti (Nawalpur), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-07-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Yogapatti (Nawalpur) P.S. Case No. 175 of 2019 registered for offence punishable under sections 304B/201/34 of the Indian Penal Code.

Being "Bhaisur" the petitioner has been made an



accused in this case which alleges that the informant's daughter was done to death at her matrimonial home on account of non-fulfillment of demand for dowry.

The petitioner's counsel submits that having no criminal antecedent the petitioner is now in custody for more than one and half years. By virtue of his relationship with the deceased's husband he is implicated. Though there is no specific overt act alleged against the petitioner, he along with his other family members have been implicated. Submission is of false implication. The petitioner has clean antecedent and is in custody since 29.08.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in Yogapatti (Nawalpur) P.S. Case No. 175 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



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.

(Madhuresh Prasad, J)

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