

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2279 of 2022

Arising Out of PS. Case No.-27 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Manish Kumar @ Manish S/o Anandi Yadav R/o village- Khanjhanpur, P.S.-
Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vijaya Laxmi Srivastwa
For the Opposite Party/s : Mr. Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Cheriya
Bariyarpur P.S. Case No. 27 of 2019, registered for the
offences punishable under Sections 304(B), 302 and 34 of
the Indian Penal Code.

The prosecution case as emerges from the F.I.R. is
that the marriage of the informant's sister, namely, July
Kumari was solemnized with the petitioner according to
Hindu rites and customs on 07.07.2016. After some times,
the husband and his family members started torturing her
for non-fulfillment of illegal demand of dowry, and ultimately



they killed the deceased.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the investigation in this case is complete and charge-sheet has already been submitted and the petitioner has been languishing in jail since 21.02.2019 i.e. for about three and a half years. He also submits that similarly situated co-accused persons, namely, Anandi Yadav @ Anandi Prasad Yadav has already been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 02.07.2019, passed in Cr. Misc. No. 40346 of 2019.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of regular bail and the same was rejected vide order dated 22.01.2020 passed in Cr. Misc. No. 2675 of 2020.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M., Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 27 of 2019, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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