

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3250 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- RAJEPUR District- East Champaran

Vikash Sah @ Vikas Kumar Son Of Late Suresh Sah Resident Of Village -
Sagahari, P.S.- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Rajepur
P.S. Case No. 88 of 2021, G.R. Case No. 3786 of 2021,
registered for the offences punishable under Sections 304
(B) and 34 of the Indian Penal Code.

The prosecution story as emerges from the FIR is
that the petitioner, who is the husband of the deceased,
along with other co-accused persons, had killed the deceased
on account of non-fulfillment of demand of dowry.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that the deceased, Seema Devi was a short tempered lady and was also mentally disturbed. She always used to threaten the petitioner and his family members to commit suicide and one day when the petitioner was on duty at NTPC, Barh, Patna, she committed suicide.

The petitioner has been languishing in jail since 31.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the Ld. APP for the State vehemently opposes the prayer for bail submitting that the alleged offence is very serious in nature and the petitioner, who is the husband of the deceased, must take care of his wife.

Considering the aforesaid facts and circumstances, 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. C.J.M, Motihari, East Champaran in connection with Rajepur P.S. Case No. 3786 of 2021, **after framing of charge, if not already framed**, 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 criminal antecedent other than the disclosed one, 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.

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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