

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4151 of 2022

Arising Out of PS. Case No.-137 Year-2020 Thana- DARAUNDA District- Siwan

=====

Jitendra Prasad Son of Late Shiv Shankar Bin Resident of Village- Dumari,
P.S.- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Bharat Lal

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 05-12-2022 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with

Daraunda P.S. Case No. 137 of 2020, registered for the

offences punishable under Sections 304(B) 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 younger sister, namely,

Nisha Devi was solemnized with one Rajan Kumar, according

to Hindu rites and customs about three years ago. After some

times, the husband and his family members started torturing

her for non-fulfillment of illegal demand of dowry and



ultimately they killed her.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is *Bhaisur* of the deceased and similarly situated co-accused persons, namely, Jitendra Prasad and Upendra Prasad have already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 21.03.2022 passed in Cr. Misc No. 50851 of 2021.

The petitioner has been languishing in jail since 22.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved earlier before this Court for grant of anticipatory bail *vide* Cr. Misc. No. 50852 of 2021.

It has further been stated in paragraph no. 3 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, 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. Judicial Magistrate, 1st Class, Siwan in connection with Daraunda P.S. Case No. 137 of 2020 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)

uttam/-

U		T	
---	--	---	--

