

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4116 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- TAJPUR District- Samastipur

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PAWAN KUMAR RAY, S/o- MEGHU RAY Resident of Village- Chakbheli,
P.S.- Tajpur (Halai O.P.), District- Samastipur (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Tajpur
(Halai O.P) P.S Case No 113 of 2021, registered for the
offences punishable under Sections 304(B)/34 of the I.P.C.

As per allegation, the petitioner along with other
co-accused persons killed the sister of the informant due to
non-fulfillment of demand of dowry.



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 allegation levelled against the petitioner is general and omnibus in nature. He also submits that the deceased was in depression because she has not given birth to any child even after five years of her marriage and only because of this she committed suicide. He also submits that the investigation in this case is complete and charge-sheet has already been submitted. He further submits that other accused persons of this case have already been enlarged on bail by different Benches of this Court, vide orders, dated 29.11.2011 and 21.03.2022, passed in Cr. Misc. No. 51370 of 2021; Cr. Misc. No. 82 of 2022; Cr. Misc. No. 70650 of 2021; and Cr. Misc. No. 71135 of 2021. He further submits that the petitioner has been languishing in jail since 05.07.2021 i.e. for about more than one year.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.



It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail submitting that the present petitioner is the husband of the victim. He further submits that charge has not been framed and the case is fixed for appearance of the accused persons mentioned in the charge-sheet.

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 learned A.C.J.M- 1st, Samastipur, in connection with Tajpur (Halai O.P) P.S Case No. 113 of 2021, **after framing of charge**, 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 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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