

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7061 of 2022

Arising Out of PS. Case No.-401 Year-2021 Thana- BIHTA District- Patna

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Bittu Kumar S/O Arun Kumar @ Baladar R/O Village- Daulatpur, P.S.- Bihta,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Ray S/O Raja Ram Ray R/O Village- Tilputola, P.S.- Naubatpur,
District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Bihta P.S.

Case No. 401 of 2021 registered for the offence under Sections

304(B), 341, 323, 201 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 14.09.2021.

The allegation against the petitioner is to cause the

death of informant's daughter due to non-fulfillment of dowry

demand.



Learned counsel appearing on behalf of the petitioner submitted that it is admitted position that the petitioner is cousin brother-in-law of the deceased and living separately, as appearing from the bare perusal of the F.I.R. It has further been submitted that nothing incriminating surfaced during the course of investigation against the petitioner and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the petitioner is living separately being cousin brother-in-law of the deceased.

Considering the facts and circumstances as mentioned above, as the petitioner is the cousin brother-in-law living separately from the family of the deceased, let the petitioner, above named, is directed to be released on bail in connection with Bihta P.S. Case No. 401 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st, Danapur, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Omprakash Kumar, who is the maternal uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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