

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7417 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

Rajeev Kumar Son Of Late Ram Prakash Choudhary R/O Village- Jadhua
Barai Tola, P.S.- Industrial Area, Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Ms. Vaishnavi Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Hajipur Industrial Area P. S. Case No. 70 of 2021 giving rise to Sessions Trial No. 478 of 2021 registered for the offences punishable under Sections 304 (B) read with 34 of the Indian Penal Code, however, later on charge-sheet has been submitted under Sections 302, 304 (B) read with 34 of the Indian Penal Code.



As per the prosecution case, it is alleged that the marriage of the sister of the informant was solemnized on 01.03.2017, and just after the marriage she was subjected to torture in various ways for demand of dowry at the hands of all the family members including this petitioner. It is further alleged that on many occasion *panchayati* was held but the accused persons did not mead their ways and finally on 03.04.2021 the informant received an information that his sister was done to death by inflicting knife blow.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is elder brother of the husband of the deceased and even as per the F.I.R., there is general and vague allegation levelled against all the accused persons. It is further submitted that the petitioner is a married *bhaisur* of the deceased and living separately and maintaining his family by his own income and he has different mess and establishment. It is further submitted that the husband of the deceased is already in custody and so far other co-accused, namely Asha Devi (Mother-in-law) and Tara Devi (Sister-in-law) are concerned, they have already been granted bail by learned co-ordinate Benches of this Hon'ble Court. It is lastly submitted that the investigation of the crime is already



completed and the charge-sheet has been submitted and there is no chance of absconding of the petitioner and tampering with the evidences.

On the other hand, learned APP for the State opposes the bail application and submits that the deceased was done to death by all the family members including this petitioner.

Having considered the submissions made on behalf of the parties and taking into account that the informant is not an eye-witness to the alleged occurrence and the entire allegation is based upon suspicion raised by the informant and moreover, this petitioner is in custody since 04.05.2021, having a man of fair antecedent and there is no specific allegation levelled against him, apart from that the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum- Special Judge, Vaishali at Hajipur in connection with Hajipur Industrial Area P. S. Case No. 70 of 2021 giving rise to Sessions Trial No. 478 of 2021, subject to the condition that one of the bailors will be the



close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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