

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23667 of 2021

Arising Out of PS. Case No.-141 Year-2020 Thana- SIKARPUR District- West Champaran

Shiv Ram, S/O Chhathu Ram, R/o Village- Pipra, Dwliya, P.S. - Shikarpur,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

5 04-01-2022 Heard both sides.

The applicant/accused in Crime No. 141 of 2020 registered with Shikarpur Police Station for the offence punishable under Section 302 r/w Section 34 of the Indian Penal Code at the instance of first informant Ajay Kumar, by this application is seeking his release on bail during pendency of the trial and that too after filing of the charge sheet for the offence punishable under Section 304(B) of the Indian Penal Code.

The learned Additional Public Prosecutor has opposed the bail application by contending that there was tortured to the deceased on account of demand of dowry and therefore, the charge sheet is filed under Section 304(B) of the Indian Penal Code.

I have considered the submissions so advanced and



also perused the material placed before me.

According to the prosecution case, deceased Neha Devi married the applicant 10 years prior to her death. Out of this wedlock, she gave birth to two male children. Her brother Ajay Kumar lodged the FIR with an averment that his sister Neha Devi is murdered by the applicant and other accused persons by pressing her throat. However, ultimately the charge sheet is filed for the offence punishable under Section 304(B) of the Indian Penal Code.

According to the prosecution case itself, the marriage was solemnized 10 years prior to death of Neha Devi. Therefore applicability of provision of Section 304(B) of the Indian Penal Code is a question which will have to be decided at the time of disposal of the sessions case. Allegations are regarding cruel treatment to the deceased Neha Devi. The applicant is behind bars from 02.07.2020.

Considering the nature of the evidence against the applicant/accused, his further pretrial detention of the applicant is not warranted and hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 141 of 2020 registered with Shikarpur Police Station for the offence



punishable under Section 302 r/w Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the



applicant/accused.

(A. M. Badar, J)

Bhardwaj/-

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