

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18158 of 2022**

Arising Out of PS. Case No.-368 Year-2021 Thana- MAKHDUMPUR District- Jehanabad

UPENDRA SINGH @ UPENDRA PRASAD SINGH S/o Kailash Singh
Resident of Village- Bela Rampur, P.S.- Makhdumpur, Distt- Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shri Prakash Tiwari, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections
302/201/498(A)/34 of the Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act, in connection with Makhdumpur
P.S. Case No. 368 of 2021.

As per the FIR, since the marriage, the lady was
being tortured for which a Panchayati was also taken place but
they kept demanding dowry and the further allegation is that all
the accused persons drowned the victim lady to death. The dead
body subsequently was recovered from the river.

Learned counsel for the petitioners submits that he



is not the family member of the in-laws and as such the dowry allegation can not be attributed to him. He is not even distant relative to them and further as per the supervision note, the matter has been found to be true under section 306 of the Indian Penal Code and as such taking into account all the aforesaid facts as also that he is in custody since 12.1.2022 and has no criminal antecedent, he deserves bail.

Taking into account the aforesaid facts that the petitioner does not belong to in-laws family, is in custody since 12.1.2022 and has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-III, Jehanabad, in connection with Makhdumpur P.S. Case No. 368 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of



bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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