

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29838 of 2021**

Arising Out of PS. Case No.-214 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

SHAMBHU PRASAD S/o Triveni Prasad R/o village- Chain Patti, P.S.-
Gopalganj Town, District- Gopalganj Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Adv
For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 14-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 304(B),201/34 of IPC and 3/4 of D.P. Act.

Allegation against the petitioner is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. In fact the petitioner is father-in-law of the



deceased and as per FIR that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that it appears from the FIR that the allegation of demanding motorcycle is highly unbelievable because the son of the petitioner is in Job in foreign country and it appears from Annexure-2 series that the deceased was properly treated by the inlaws in different hospitals at Gorakhpur and the police, after investigation, submitted chargesheet against the petitioner.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant submits that the death of the victim was occurred within two years of her marriage.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Gopalganj Town P.S. Case No. 214 of 2020, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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