

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33159 of 2021**

Arising Out of PS. Case No.-110 Year-2020 Thana- KHUTAUNA District- Madhubani

Rajesh Sah @ Rajesh Kumar Sah S/O Ram Vilash Sah R/O Village-Hanuman
Nagar, Chharrapatti, P.S.-Khutauna, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Adv

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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

7 02-03-2022 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.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Khutauna P.S.Case No.110 of 2020, registered for the offence under Sections 304(B)/34 of IPC.

The prosecution case, in short, is that the petitioner is husband of the deceased Kavita Devi. The marriage of deceased with the petitioner had been solemnized before three years from



the occurrence. According to prosecution case, petitioner and other members of her in-law's family were demanding two lac cash and golden jewellery etc., from the deceased. In case of non-fulfillment of demand of dowry, they were torturing to the deceased and ultimately they committed murder of the deceased pressing her neck and the dead body was hanged by them with a fan.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that in fact the victim, namely, Kavita Devi, committed suicide and the petitioner has falsely been implicated in the present case only on the ground that the petitioner is husband of the deceased.

Vide order dated 08.12.2021, a report was called for with regard to the stage of the trial. Report reveals that the case is pending at the stage of framing of charge.

Learned counsel for the petitioner further submits that the police, after investigation, submitted chargesheet against the petitioner on 30.09.2020 and the petitioner is in custody since 19.08.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Jhanjharpur, Madhubani in connection with Khutauna P.S.Case No.110 of 2020 with the 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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