

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34018 of 2021

Arising Out of PS. Case No.-366 Year-2019 Thana- DIGHWARA District- Saran

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1. Jawahir Sah@ Jawahar Sah Son Of Late Dinanath Sah Resident Of Village-Manupur, P.S. Dighwara, Distt.- Saran
 2. Gauri Shankar @ Gauri Shankar Sah Son Of Kameshwar Prasad resident of Village-Manpur, P.S. Dighwara, Distt. Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 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.

Learned counsel for the petitioners submits that during the pendency of the petition, petitioner no. 1, namely Jawahir Sah @ Jawahar Sah has already been arrested and as such his anticipatory bail application has become infructuous.

As prayed, the anticipatory bail petition as against petitioner no. 1 namely, Jawahir Sah @ Jawahar Sah is permitted to be withdrawn and is dismissed as such.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.

The petitioner no. 2 is apprehending his arrest in a



case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

The accusation is of killing of the daughter of the informant, Chandan Gupta, by her husband and in-laws by pressing the neck for non-fulfillment of demand of dowry.

Learned counsel for the petitioner no. 2 submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. In fact, the petitioner is cousin brother-in-law of the deceased. He further submits that the petitioner has no concern at all with the family affairs of the deceased and there is general and omnibus allegation against him and similarly situated co-accused namely Harendra Sah @ Harendra prasad has been granted anticipatory bail vide order dated 26.08.2021 in Cr. Misc. No. 1073 of 2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner no. 2, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dighwara P.S. Case No. 366 of 2019, subject to the



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

(1) Petitioner no. 2 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner no. 2 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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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