

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34011 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- KADWA District- Katihar

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Bijay Kewat Son of Late Kishun Kewat Resident of Village- Dokhra, P.S.-
Kadwa, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. APP

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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.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 304(B), 34 of the Indian Penal Code.

As per prosecution case, in short, is that marriage of the daughter of the informant namely Karuna Devi was solemnized with the co-accused Sunil Kewat on 11.02.2012 and after some time of the marriage, the husband and other co-accused persons started demanding Rs. 5,00,000/- as dowry and due to non fulfillment of the said amount, the daughter of the informant was being subjected to cruelty and assault and



ultimately, on 20.05.2019 the informant got information on mobile that his daughter has been killed and when the informant arrived at the matrimonial home of his daughter, he did not find her dead body.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. In fact, the petitioner is not the family member of the deceased. He further submits that it appears from the F.I.R. that there is no specific allegation against the petitioner and the date of occurrence as alleged in the F.I.R. is 20.05.2019 but the present F.I.R./complaint has been filed on 16.10.2019 and co-accused persons namely Bhola Kewat, Geeta Devi, Poddar Kewat and Soni Devi have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 10.12.2020 in Cr. Misc. No. 24855 of 2020.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

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/- (Rupees 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 Kadwa P.S. Case No. 44 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner 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 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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