

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33986 of 2021**

Arising Out of PS. Case No.-349 Year-2020 Thana- AKBARPUR District- Nawada

PAWAN PAL Son of Sidheshwar Bhagat Resident of Village- Rahimpur, P.s.-
Akabarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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

5 05-04-2022 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in a case registered for

the offence under Sections 304(B) and 34 of the Indian Penal

Code.

The daughter of the informant is subjected to

torture and assault and she is said to have been done to

death on account of non-fulfillment of demand of dowry by

the petitioner and others.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. In fact,



the petitioner happens to be husband of the deceased and he never assaulted her nor he demanded any dowry from his deceased-wife in any manner. No specific allegation of any overt act is attributed to the petitioner rather general and omnibus allegation is leveled against him. He further submits that the trial of the case is not likely to be concluded in near future as the report received from court below reveals that the trial of the case is still pending for the prosecution evidence and the petitioner is rotting in judicial custody since 18.01.2021 i.e. more than one year and three months. Hence, the petitioner may be enlarged on bail.

Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Akabrarapur P.S. Case No. 349 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 canceled 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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