

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36720 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- DHURAIYA District- Banka

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GOPAL RAI @ GOPAL ROY S/o Late Sumrit Ray R/o village-
Bishambharkita, P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri, Adv.

For the Opposite Party/s : Mrs. Pushpa Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Dhoraiya P.S. Case No. 204 of 2020 registered for the offence

under Sections 304(B)/34 of the Indian Penal Code.

The daughter of the informant is said to have been

killed by the petitioner and others on account of non-

fulfillment of demand of dowry .

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 the deceased nor he demanded any dowry



from his wife-deceased in any manner. No specific allegation of any overt act is attributed to the petitioner. There is no eye witness to the alleged occurrence also. As a matter of fact, the deceased has committed suicide and the postmortem report clearly suggest that the cause of death of wife of the petitioner is Asphyxia caused due to hanging. The police has also submitted charge sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.08.2020.

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, 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 C.J.M.-, Banka in connection with Dhoraiya P.S. Case No. 204 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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