

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37323 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- DARIYAPUR District- Saran

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BHUNESHWAR KUMAR SON OF LATE RAGHUNATH RAI Resident of
Village - Sundarpur, P.S.- Dariyapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

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

The petitioner seeks bail in connection with Dariyapur
P.S.Case No.133 of 2021 registered for the offence under
Sections 376,406,420 of the Indian Penal Code but the police,
after investigation, submitted chargesheet against the petitioner
under Sections 493 and 420 of IPC.

The prosecution case, in short, is that the informant
Chanda Devi has alleged in her written application that her
marriage was performed with Pramod Kumar who died in a road
accident in the year 2018, thereafter, her family members



advised her that if she agrees to marry with her Dewar, Bhuneshwar Kumar (the petitioner) then they have no objection and on this advice she became ready and began to live with Bhuneshwar Kumar (the petitioner) as husband and wife. It has further been alleged that whenever the informant/victim asked to marry with her then the petitioner evaded on one pretext or the other. It has further been alleged that on the pretext of purchasing 3 katha of land in the name of the informant/victim the petitioner took her signature on a paper and after some days the petitioner and other co-accused also brought her to Chapra Bank where they also took her signature on the pretext that her husband had kept a paper in locker which they have to obtain. It has further been alleged that later on the informant/victim came to know that very cunningly the petitioner had sold 3 katha land which was in the name of her husband and also took out the ornaments which had been kept in a locker by her husband and on query all the accused persons began to assault her and after breaking the box the accused persons also took out cash of Rs. 7 lakhs and the accused persons asked her to withdraw cash of Rs.12 lacs from S.B.I., Mastichak Branch which has been kept by her husband otherwise they would not perform her marriage with the petitioner.



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, during investigation, allegation as alleged in the FIR is not found true. He further submits that the independent witnesses also does not support the allegation of the informant and the petitioner is in custody since 20.03.2021.

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 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIII, Saran at Chapra in connection with Dariyapur P.S.Case No.133 of 2021 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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