

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37334 of 2021

Arising Out of PS. Case No.-296 Year-2020 Thana- SHASTRINAGAR District- Patna

Rajive Kumar Jha @ Rajive Ranjan Jha S/O Kapileshwar Jha R/O-Ganpati
Niwas, New Punai Chak, Hanuman Nagar, Sitaram Apartment, P.S Shastri
Nagar, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nivedita Nirvikar, Sr.Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 11-05-2022 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 senior counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code. .

The prosecution case, in brief, is that the sister of the informant was married with the petitioner in the year 2006 and after the marriage, the husband, father-in-law, mother-in-law, brother-in-law, sister-in-law all were harassing the deceased for dowry. On 22.06.2020 at about 05.00 PM in the evening, the



informant received information that the accused persons including the petitioner have strangled the sister leading to her death. He further alleged that the accused persons are taking the body to village-Marukhiya. The informant reached there and met his nephew who disclosed to him that on 22.06.2020 he was allegedly sent to buy spices while there was some arguments going on between his mother and the accused persons and while he returned he found the body of his mother lying on the floor and there was mark on her neck.

Learned senior counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. She further submits that the petitioner is husband of the deceased and the allegation against the petitioner is that he and his family members killed the deceased. She further submits that in fact the deceased has committed suicide.

Vide order dated 28.02.2022, a report was called for with regard to the stage of the trial. Report reveals that till date charge has not been framed and the case is fixed for hearing on the point of framing of charge.

Learned counsel for the informant and learned A.P.P. for the State have vehemently 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 **after framing of the charges** 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 Shastri Nagar P.S.Case No.296 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 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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