

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28327 of 2022

Arising Out of PS. Case No.-270 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

RAKESH KUMAR SON OF SRI BHARAT LAL MANDAL RESIDENT OF
VILLAGE- SONUDIH, P.S.- GORADIH, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Sangeeta Sharma

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-09-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304B read with 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was married to the petitioner as per Hindu rites and custom on 23.05.2019. After marriage, the petitioner and her in-laws started demanding motorcycle, jewellery and money as dowry. The petitioner was residing in Gujarat and he also used



to torture the daughter of the informant through mobile phone. The informant has also claimed that his daughter was killed by her mother-in-law, Sujata Devi by administering poison to her due to non-fulfillment of the said dowry.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner was residing in Gujarat at the time of occurrence. The petitioner is the husband of the deceased. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 14.10.2020.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. It is further submitted that the daughter of the informant was killed by administering poison to her by her in-laws due to non-fulfillment of dowry. It is further submitted that the prayer of bail was rejected by the Co-ordinate Bench *vide* order dated 06.01.2021 passed in Criminal Misc. No. 32966 of 2020. It is further submitted that the charge-sheet has already been submitted and the trial is going on and no witness has been examined by the prosecution till now.

Considering the aforesaid facts and circumstances of



the case as well as the period of detention, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 270 of 2019, with a condition :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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