

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29938 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- BARAUNI District- Begusarai

AJAY RAI Son of Shivnandan Rai Resident of village - Malhipur South Naya
Tola, Chakiya, Ward No.- 1, P.S.- Barauni (Chakiya), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 304(B) of the Indian Penal Code. But the police has submitted charge sheet under Sections 302, 304(B) and 201/34 of the Indian Penal Code.

The daughter of the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry by the petitioner and others and she has finally been done to death for want 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 cousin father-in-law of the deceased and he has



never demanded any dowry nor he has assaulted the deceased in any manner. He further submits that it appears from the F.I.R., itself that there is general and omnibus allegation against the petitioner and no specific allegation of any overt act is attributed to him neither any cogent material has surfaced against the petitioner during course of investigation. He further submits that the co-accused, Pramod Ray along with Goda Devi and Abhinandan Kumar have already been granted bail by different co-ordinate Benches of this Court vide orders dated 08.09.2022 and 21.03.2022 passed in Cr. Misc. No. 33696 of 2022 and Cr. Misc. No. 55087 of 2021, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.01.2022.

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 Court below where the case is pending in connection with Barauni (Chakiya) P.S. Case No. 130 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 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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