

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44509 of 2021**

Arising Out of PS. Case No.-55 Year-2021 Thana- BIHARIGANJ District- Madhepura

BIBHISHAN RAM @ BIBHISHAN MEHRA @ VIBHISHAN RAM S/o
Nawal Ram R/o Village- Sarauni, P.S.- Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Adv
For the Opposite Party/s : Mr.Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 10-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bihariganj P.S.Case No.55 of 2021, registered for the offence under Sections 304(B) of the IPC.

The prosecution case, in short, is that when the informant enquired from the people, it came to know that his brother-in-law often assaulted his sister for dowry and eight day prior to incident petitioner ago threatened to kill and he assaulted to his sister on which his sister became vex. It is also alleged that it is not clear that how is sister's health suddenly worsened but she had scratch mark on her neck. This shows that she was murdered by strangulation. After that informant brought the dead body of his sister at police station on 14.03.2021 at



2.30 P.M.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact due to domestic dispute the deceased herself tried to commit suicide and during treatment she died. He further submits that petitioner happens to be husband of the deceased so he has falsely been implicated in the present case. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.03.2021.

Learned A.P.P. for the State, on the basis of the material available on the record and the case diary, has opposed the prayer for bail of the petitioner and fairly submits that it has come in para-22 of the case diary that the witnesses informed that the deceased herself tried to commit suicide and during course of treatment, she died.

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 Judicial Magistrate, 1st Class, Udakishunganj, Madhepura in connection



with Bihariganj P.S.Case No.55 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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