

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37332 of 2022

Arising Out of PS. Case No.-20 Year-2019 Thana- BATHNAHA District- Sitamarhi

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Raja Patel S/O Late Shambhu Patel, Resident of Village- Khairvi, P.S.-
Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Bathnaha P.S. Case No. 20 of 2019 lodged under Sections
304(B), 201 and 120(B) of Indian Penal Code.

As per prosecution, the allegation of dowry death and
concealment of body in connivance with each other are there in
the F.I.R.. There are 5 accused persons in this case.

Learned counsel for the petitioner submits that the
present case has been lodged on 19.01.2019 on the basis of
complaint petition which was lodged on 06.04.2018 before the
C.J.M., Sitamarhi. Learned counsel for the petitioner further

submits that from the said complaint which was converted into F.I.R., it transpires that on 19.02.2018 the petitioner has informed to the informant that his deceased wife died due to shock of electric current but the case has been filed with allegation that said death was caused due to killing after pouring kerosene oil on the body of the deceased. Learned counsel for the petitioner further submits that Annexure-2 is there i.e. fardbeyan of deceased (wife of the petitioner) taken before the police where she has disclosed that she is in the hospital due to shock of electric current and disclosed that in this happening no one is responsible. In the statement, she herself narrated that her husband (petitioner) is residing at Deharadun. Learned counsel further submits that this is the correct version. He further submits that the antecedent of the petitioner is clean and he is in custody since 15.02.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to

the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 20 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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