

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37282 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Shri Niwas Singh @ Shriniwas S/o Jamuna Singh, R/o Village-Marchi, P.S.-
Bhagwanpur, District-Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Mohammed Arif, APP.

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 as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Bhabhua P.S. Case No. 65 of 2022, lodged under Sections
304(B)/34 of the Indian Penal Code.

As per the prosecution case, the allegation against the
petitioner is of Section 304B/34 of Indian Penal Code is there in
the F.I.R.

Learned counsel for the petitioner submits that the
petitioner is brother-in-law (*Bhaisur*) of the deceased. Learned
counsel for the petitioner further submits that there is a general
and omnibus allegation in the F.I.R., there is nothing specific

alleged against the petitioner. He further submits that the entire family members were made accused in this case. He further submits that husband of deceased is already in judicial custody. He also submits that the other co-accused has been granted anticipatory bail vide order dated 13.09.2022 passed in Cr. Misc. No. 30738 of 2022 by the Co-ordinate Bench of this Court. He further submits that the present petitioner is in custody since 25.03.2022 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is brother-in-law (*Bhaisur*) of the deceased and there is a role in the present commission of crime.

In the present facts and circumstances of this 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, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 65 of 2022, 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 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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