

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47304 of 2021

Arising Out of PS. Case No.-142 Year-2019 Thana- DHANARUA District- Patna

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Naveen Prasad S/o Raj Ballam Prasad R/O Village-Makdumpur, P.S-
Dhanarua, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sessions Trial No. 31 of 2021 arising out of Dhanarua P.S. Case No. 142 of 2019 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

According to prosecution case, one Bijendra Kumar gave a written report before Officer-Incharge of Dhanarua police station alleging therein that his sister namely Kaminta Devi married with Naveen Prasad (petitioner) four years ago and after marriage Naveen Prasad, Dharambir Prasad, Upendra Prasad, Raj Ballam Prasad and wife of Dharmendra Prasad and



wife of Upendra Prasad starting torturing for dowry to his sister namely Kamita Devi and further alleged that on 07.04.2019 he got information that aforesaid persons killed his sister and dead body was misplaced.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case only on the ground that the petitioner is the husband of the deceased. He further submits that sister of the informant has died due to Diarrhea. He further submits that there is no allegation of overt-act against the petitioner and there is general and omnibus allegation against all the accused persons. He further submits that after investigation police has submitted the charge sheet against the petitioner and other co-accused under Section 302, 201/34 of the Indian Penal Code on 14.12.2020. The petitioner is in custody since 23.09.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charges so that the trial may not hamper**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned A.D.J.,
Masaurhi in connection with Sessions Trial No. 31 of 2021
arising out of Dhanarua P.S. Case No. 142 of 2019, subject to
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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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