

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47122 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- IMAMGANJ District- Gaya

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Manoj Kumar @ Manoj Mistri S/o Sheopati Mistri Resident of Village-
Bageya, P.S.- Imamganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 27-09-2022 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
Imamganj P.S. Case No. 54 of 2020 lodged under Sections
302/34 of the I.P.C.

As per the prosecution case, the marriage of informant
solemnized with the petitioner in the year 2007. After marriage,
there was no issue upon which the second marriage of petitioner
took place with consent of his earlier wife. It has been alleged
that from the second marriage, the petitioner got one child.
Thereafter, allegation of demand of Rs. 50,000/- dowry started.
In this regard, a *Panchayati* took place. It has been alleged that

on 06.04.2020, the sister of informant was killed by assaulting and torture. They were in preparation of last rite which was stopped on the instance of the informant and present case has been filed.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the antecedent of the petitioner is clean and in custody since 15.03.2021. He submits that petitioner is husband and used to respect his wife. Case diary has been called for and FSL report has also come. From the Viscera report, it transpires that the Zinc Phosphate has detected in the intestine which is commonly used as rat killer and is a poisonous substance.

Learned counsel for the State submits that there is general and omnibus allegation on all the accused persons.

Learned counsel for the State opposes the prayer for bail.

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 Sri Sunil Kumar Singh, J.M. 1st Class, Sherghati (Gaya) in connection with Imamganj P.S. Case No. 54

of 2020, 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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