

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39215 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- JAMUI District- Jamui

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Nand Kishore Mishra, S/o Bhola Mishra R/o village- Navkadih, P.S.-
Laxmipur, District- Jamui. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner, the State and

Mr. Deepak Kumar Sinha, learned counsel who represents the

informant.

Let the defect(s) be removed within four weeks of the

complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection

with Jamui P.S. Case No.113 of 2022 instituted under Section

304B/34 of the Indian Penal Code.

As per the prosecution story, the informant's sister

was married to Vishal Kumar Mishra in the year 2018, but since

then she was tortured for dowry and it has been alleged that in

March 2022, he came to know about assault on his sister

followed by her death. When he arrived, the accused persons



fled away and dead body of his sister was lying. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the petitioner is father-in-law, is in jail since 14.05.2022, living separately from the couple has already suffered due to death of his daughter-in-law. Further the learned counsel for the petitioner has provided a copy of surrender slip dated 11.10.2022 issued from the Court of Shri M.K. Srivastava, learned Chief Judicial Magistrate, Jamui which shows that the husband namely Vishal Kumar son of Nand Kishore Mishra has surrendered before the court.

Let the said surrender slip be kept on record and the statement of the learned counsel for the petitioner is also taken note of.

Per contra, learned counsel for the informant submits that allegation against all the accused persons are of demanding dowry and causing the death of the lady and as such has opposed the bail application.

Be that as it may, the petitioner is in custody since 14.05.2022, do not have criminal antecedent, charge-sheet stands submitted, the husband is in jail as submitted by the learned counsel for the petitioner, this Court is inclined to grant



him privilege of bail. If, however it is found that the document provided and or the submission put forward regarding the status of the husband is false, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Jamui P.S. Case No.113 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Jamui, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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