

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57870 of 2021

Arising Out of PS. Case No.-230 Year-2019 Thana- DHANARUA District- Patna

Chintu Ram @ Chhotu Ram S/O- Bhagwan Ram Resident of Village- Nadwa,
P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 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 a case registered for the offences punishable under Sections 304B, 120B, 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

According to prosecution case, the informant Vidyanand Ram gave his written application on the basis of the instant case was instituted wherein he has alleged that he got his daughter married with Chintu Ram in the year 2016 after which the in-laws started demanding dowry of Rs.1.5 lakhs and used to torture her daughter for the same. On 16.06.2019 he received information that his daughter and grand child had died due to



burns.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the ground that in fact the petitioner is the husband of the deceased. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and there is no specific allegation of demand of dowry or assault. He further submits that similarly situated, co-accused, namely, Maury Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 10.07.2020 passed in Cr. Misc. No. 7662 of 2020 and another co-accused namely, Santosh Ram has been granted bail by a co-ordinate Bench of this Court vide order dated 07.10.2020 passed in Cr. Misc. No. 23904 of 2020 and other co-accused namely Bhagwan Ram has been granted bail by a co-ordinate Bench of this Court vide order dated 14.01.2020 passed in Cr. Misc. No. 80587 of 2019. The petitioner is in custody since 29.06.2019.

Vide order dated 01.02.2022 a report was called for with regard to the present stage of trial. Report reveals that the charge has been framed and all the five chargesheeted witnesses are to be examined.



Learned counsel for the petitioner submits that in view of the report the trial is not likely to be concluded in near future.

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

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sessions Trial No. 1037 of 2019 arising out of Dhanarua P.S. Case No. 230 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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