

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56079 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- SARAIYA District- Muzaffarpur

Rakesh Kumar @ Rakesh Son Of Late Kishori Thakur R/O Village- Repura
Ram Balli, P.S.- Saraiya (O.P. Jaitpur), Dist.- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Adv
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

The informant is the father of the deceased. In his written report to the police the informant has alleged that his deceased daughter Chutul Kumari was married with this petitioner on 05.04.2014 however, after few months of her marriage, the petitioner abused and assaulted her repeatedly and also threatened to kill her. On 08.01.2021 at about 5.00 P.M. the



deceased was killed by this petitioner and the co-accused Chhotaria Devi (mother-in-law of the deceased) for demand of dowry. The information with regard to the death of the deceased has been given to the informant by the villagers and when he reached there he found the dead body of the deceased lying in a room.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons. There is no specific allegation against the petitioner. He further submits that in fact the deceased does not want to live with the husband and due to that reason she has committed suicide and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.04.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Court below where the case is pending in connection with Saraiya Police Station Case No.34 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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