

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54961 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- CHAKIA District- East Champaran

Kapildeo Rai Son Of Late Lal Bahadur Rai Resident Of Village- Puran
Chhapra, Police Station- Bara Cakia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Chakia P. S. Case No. 09 of 2021 registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

The prosecution case is that the daughter of the informant Guddi Devi was married with one Rajkumar Rai son of the petitioner two years ago before the alleged occurrence. It is also alleged that just after the marriage, all the accused persons started demanding dowry and deceased was subjected to cruelty and harassment for fulfilling the demand of Rs.1,00,000/- and a motorcycle.

It is further alleged that just a day before the occurrence,



the daughter of the informant informed to the informant and requested to come to her *sasural* and when the informant reached the *sasural* of her daughter, the father-in-law and brother-in-law already left the place.

it is further contended on behalf of the petitioner that the husband of the deceased has also died soon after the death of his wife, it is next contended that the daughter of the informant died her natural death and whereupon all the in-laws members including the petitioner informed the informant and thereupon the informant and other family members came and participated in the last rituals but on account of some non-settlement of dispute, this F.I.R. has been instituted only to pressurize the accused persons.

It is next contended that the petitioner is in custody since 18.01.2021 and he is ready to give undertaking that he will co-operate in the trial and he will remain present on each and every day.

On the other hand, learned APP for the State submits that there is specific allegation against the father-in-law and mother-in-law and brother-in-law (*Dewar*) of the deceased and the death has taken place just within two years of marriage.

Having considered the rival submissions made on behalf of the parties, especially in view of the fact that the petitioner is father-in-law of the deceased and the institution of the case is a



result of non-settlement of dispute between the families after the death of the deceased and further the petitioner is in custody since 18.01.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chakia P. S. Case No. 09 of 2021, subject to the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without cogent reason, his bail bonds shall be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

