

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56219 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- SIGAUDI District- Patna

HARENDRA MALAKAR, Son of Anand Bhagat @ Anand Malakar,
Resident of Village- Khairi Bajitpur, P.S.- Pipra, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ganesh Prasad Yadav, Advocate
For the Opposite Party/s :	Mr.Sanjay Kumar Sharma, A.P.P.
For the Informant :	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr.Sanjay Kumar Sharma, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sigori P.S. Case No. 83 of 2021 registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code. He is in custody since 16.06.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the marriage between one Rohit Malakar @ Bhairu had taken place with the daughter of the informant on 24.05.2019. They were blessed with three girl child but because



the deceased was not giving birth to a male child she was being harassed and there are also allegations of demand of dowry. It is alleged that on 14.06.2021, the informant got a call from the deceased's in-laws village that his daughter was done to death by electrocution and strangulation whereafter the informant reached there. It is alleged that the father-in-law, mother-in-law, Nanad, Nandosi (petitioner) were stopping the informant from entering into the house but somehow son of the informant entered inside the house and found the dead body lying in the courtyard of the house. It is then alleged that the Nanad and Nandosi were trying to allure the son of the informant. These facts were disclosed to the informant by his son who came out through the roof's area.

Learned counsel submits that it is a case of false implication of each and every member of the family and kith and kin of the husband of the deceased. The petitioner is Nandosi of the deceased who has no concerned with the family life of the deceased and if the deceased was not giving birth to a male child it is difficult to understand that this petitioner would have any grievance.

Learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for bail of the petitioner. It is submitted that in the F.I.R. there are allegations against this petitioner also of stopping the son of the informant from entering into the house.



Having regard to the submissions noted hereinabove, the relationship of the petitioner being that of the Nandosi of the deceased who was living separately in mess and business and has remained in custody for over nine months, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Danapur, Patna in connection with Sigori P.S. Case No. 83 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

(Rajeev Ranjan Prasad, J.)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

