

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57288 of 2021

Arising Out of PS. Case No.-33 Year-2020 Thana- BAHERI District- Darbhanga

DAYANAND PODDAR Son of Heera Kumar Poddar @ Hira Poddar
Resident of Village - Baligaon, P.S.- Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Adv.
For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 304(B) of the Indian Penal Code.

The daughter of the informant is subjected to
torture and assault and she has been done to death by burn
after pouring kerosene oil by the accused persons including
the petitioner on account of non-fulfillment of demand of
dowry.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,
the petitioner happens to be father-in-law of the deceased



and he has never demanded any dowry nor he has assaulted the deceased in any manner. There is general and omnibus allegation against the petitioner and no specific allegation of any overt act is attributed to him. Moreover, the petitioner has been living separately from the deceased and his son. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the co-accused, namely, Sita Devi and Heera Kumar Poddar @ Hira Poddar have already been granted bail by a co-ordinate Bench of this Court vide orders dated 13.10.2020 and 31.08.2021 passed in Cr. Misc. No. 26067 of 2020 and Cr. Misc. No. 19934 of 2021, respectively. The petitioner is rotting in judicial custody since 31.07.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Baheri P.S. Case No. 33 of 2020 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 canceled 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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