

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57982 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- KHUDAGANJ District- Nalanda

Umesh Prasad @ Umesh Yadav @ Umesh Kumar Son of Ranjan Yadav
Resident of Village - Balwapar Narayanpur (Bardaha), P.S.- Khudaganj,
District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-04-2022 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 Session Trial No. 341 of 2021 arising out of Khudaganj P. S. Case No. 113 of 2020 registered for the offences punishable under Section 304 (B)/34 of the Indian Penal Code.

The allegation against the accused persons including this petitioner is of committing torture and caused death of the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the



petitioner that the petitioner happens to be *Dewar* of the deceased and living separately to his father and husband of the deceased since long. It is next submitted that the husband of the deceased is already in custody and so far the other accused persons are concerned, they have already been granted anticipatory bail by co-ordinate bench of this Hon'ble Court in Cr. Misc. No. 50525 of 2021 vide order dated 01.11.2021. The copy of which is kept on record. The counsel for the petitioner further submits that the petitioner has clean antecedent and he is in custody since 23.01.2021.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that the petitioner happens to be *Dewar*, and is in custody since 23.01.2021 and the other accused persons have already been granted bail and the husband of the deceased is in custody, let this 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 1st Additional Sessions Judge, Hilsa (Nalanda) in connection with Session Trial No. 341 of 2021 arising out of Khudaganj P. S.



Case No. 113 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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