

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63514 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

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BHAGIRATH THAKUR Son of Late Laxman Thakur Resident of Village -
Takath Kauriya, P.S.- Bhagwanpur Hat, Distt.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

7 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Bhagwanpur Hat P.S. Case No. 06 of 2020, registered for

the offences punishable under Sections 304 (B) and 120 (B)

of the Indian Penal Code.

The prosecution case as emerges from the F.I.R. is

that the marriage of the informant's sister, namely, Rima



Kumari was solemnized with the petitioner according to Hindu rites and customs on 19.06.2010. After some times, the husband and his family members started torturing her for non-fulfillment of illegal demand of a motorcycle, and ultimately they killed the deceased.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged case does not come under Section 304(B), because the marriage between the deceased and the accused-petitioner had taken place much before 7 years. He also submits that there is no involvement of the accused-petitioner in the death of the deceased who has committed suicide. He further submits that accused persons, namely, Punam Kumari, Rajnish Kumar, Pintu Thakur and Kishore Kuwar have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 25.05.2021 passed in Cr. Misc. No. 34668 of 2020. He also submits that investigation in this case is complete and charge-sheet has been submitted under Section 306(B) of IPC and trial is not proceeding.



The petitioner has been languishing in jail since 10.12.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of anticipatory bail vide Cr. Misc. No. 32469 of 2020.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge-IIIrd, Siwan in connection with Bhagwanpur Hat P.S. Case No. 06 of 2020, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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