

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2566 of 2022**

Arising Out of PS. Case No.-308 Year-2020 Thana- KESARIA District- East Champaran

Rahul Kumar Baitha, S/o Banti Baitha, Resident of Village - Rajpur Lala  
Tola, P.S. - Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      01-11-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Kesariya P.S. Case No. 308 of 2020, G.R. No.  
5626 of 2020 registered for the alleged offences under Section  
341, 326, 307, 120B, 304(B) and 34 of the Indian Penal Code  
and Section 3/4 of the Dowry Prohibition Act.

As per prosecution case, the petitioner was the  
husband of the deceased daughter of the informant and  
allegation against him and other co-accused persons is that of  
demand of motorcycle and Rs. 5,00,000/- in dowry. Further  
allegation against the petitioner is that he caused dowry death of



the daughter of the informant by setting her on fire.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as the daughter of the informant died due to accidental burn. From the FIR, it is apparent that the petitioner had informed the informant with regard to the occurrence and this shows his innocence. The petitioner never demanded any motorcycle or cash and he has been named in this case after much thought. In fact, the petitioner was the person who called the informant and if he had any guilty conscience, he would have fled away from the spot. The petitioner is in custody since 11.10.2020 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the death occurred within seven years of marriage so the petitioner is duty bound to explain the death of the daughter of the informant.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of substantive material against the petitioner along with possibility of false implication and conduct of the petitioner in



the whole occurrence and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kesariya P.S. Case No. 308 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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