

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.650 of 2022**

Arising Out of PS. Case No.-55 Year-2021 Thana- KHIRHAR District- Madhubani

RAMNATH KHATVE ,S/O DEOCHANDRA KHATVE, R/o village- Sonai,
P.S.- Khirhar, District- Madhubani Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Advocate

For the Opposite Party/s: Ms. Gulnar Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2022 Learned counsel for the petitioner undertakes to re-move the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Ms. Gulnar Begum, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Khirhar P.S. Case No. 55 of 2021/G.R. No. 509 of 2021 registered for the offences punishable under Section 304(B) and 120(B) of the Indian Penal Code. The petitioner is in custody since 26.07.2021. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the marriage of the daughter of the informant was solemnized with Shivraj Kumar Khatve (nephew of this petitioner) in the year 2007 but after some time husband and in-laws of the informant's daughter started demanding a colour T.V. and she-buffalo. When the informant came to know about this de-



mand, he went to his daughter's Sasural and told the in-laws of his daughter about the inability to fulfill this demand. But the husband and in-laws continued to torture his daughter and threatened her to kill. On 24.07.2021, the informant got a telephonic message that his daughter has been killed by pressing her mouth. The informant alleged that the husband and the in-laws of his daughter killed her for non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is no specific allegation against the petitioner, the petitioner has been made accused in this case because he happens to be the kith and kin of the husband of the deceased and lives separately in mess and business from the family of the husband of the deceased. It is further submitted that the petitioner is in custody since 26.07.2021 having no criminal antecedent.

Ms. Gulnar Begum, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the petitioner is the uncle-in-law of the deceased and he is living separately in mess and business, there is no specific allegation against him and has been implicated in this case because he happens to be kith and kind of the husband of the deceased, the petitioner has remained in custody since 26.07.2021, investigation against him is complete



and his presence may also be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.III, Benipatti/Incharge successor court in connection with Khirhar P.S. Case No. 55 of 2021/G.R. No. 509 of 2021, subject to the conditions as laid down under Section 437(3) of the 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 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.

(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'.

