

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3796 of 2022

Arising Out of PS. Case No.-126 Year-2020 Thana- GANGABRIDGE District- Vaishali

RAJESHWAR SINGH SON OF LATE BHUNESHWAR SINGH R/O
VILLAGE- SAHDULLAHPUR, P.S.- GANGABRIDGE, DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

12 15-02-2023 Let the defect(s), if any, pointed out by the office

be removed within three weeks from the date of this order

failing which the matter be listed again under the appropriate

heading for necessary action.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Gangabridge P.S. Case No. 126/2020 registered for the offence

punishable under Section 304(B)/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that his

married daughter was killed by this petitioner along with other

co-accused persons for non-fulfillment of demand of dowry. It is

further alleged that the accused persons have also concealed the



dead body.

The main submissions advanced by the learned counsel Mr. Mahendra Thakur for the petitioner are that the petitioner is father-in-law of the deceased and in the FIR, there is no specific allegation of torture against him for the alleged demand of dowry and husband of the deceased is behind the bar and the mother-in-law of the deceased who is carrying the similar nature of allegation has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.36505 of 2021 and in that criminal miscellaneous petition, petitioner was also one of the petitioners but on account of his being arrested, his prayer was withdrawn. Further submission is that the petitioner was granted provisional bail by this Court on 10.05.2022 in the present criminal miscellaneous petition and later on he could not surrender within the prescribed period on account of his one of legs being fractured and thereafter he was again arrested as per the report of the Superintendent of Police, Vaishali, Hajipur and accordingly he is now in judicial custody and he did not misuse the said provisional bail intentionally.

Learned APP Mr. Jharkhandi Upadhyay appearing for the State has vehemently opposed the bail prayer.



Having considered the above submissions and mainly the facts that one similarly situated co-accused, who is the wife of this petitioner, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in above-mentioned criminal miscellaneous case and in the FIR, there is no specific allegation of dowry demand and torture to the victim by this petitioner and the petitioner has given the reason for not surrendering within the period of provisional bail as per the direction given on 10.05.2022, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Gangabridge P.S. Case No.126/2020.

(Shailendra Singh, J)

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