

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9381 of 2023

Arising Out of PS. Case No.-344 Year-2022 Thana- SUGAULI District- East Champaran

NIKESH KUMAR @ NIKESH SAH Son of Ramjanam Sah Resident of
Village - Karamwa, P.S.- Sugauli, District - East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Sugauli P.S. Case No. 344/2022 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the allegation against the petitioner is that marriage of the daughter of the informant has been solemnized with co-accused Vikash Kumar and at the time of marriage the informant has given the gifts according to her capacity. But accused persons demanded motorcycle and due to non-fulfillment of the said demand the accused persons started torture and cruelty with her daughter. On 25.07.2022 the



informant came to know that accused persons have committed murder of her daughter.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is no specific allegation against the petitioner and he was not present at the time of occurrence.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is stated that this petitioner is the younger brother of the husband of the deceased and the husband of the deceased is already in judicial custody, petitioner is said to be living separately in mess and business, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Sugauli P.S. Case No. 344/2022, subject to the conditions as laid down under Section 438 (2) 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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