

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9358 of 2023**

Arising Out of PS. Case No.-134 Year-2020 Thana- ASHOK PAPER MILL District-
Darbhanga

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BHAVNANDAN SAH SON OF LATE MAHINDAR SAH R/O VILLAGE-
USMAHA, P.S.- ASHOK PAPER MILL AND DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 05-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with APM
(Ashok Paper Mill) P.S. Case No. 134 of 2020 dated 29.07.2020
registered for the offence under Sections 304(B), 120(B) and 34
of the Indian Penal Code.

The daughter of the informant is subjected to assault
and torture on account of non-fulfillment of demand of dowry by
the petitioner and others and she has finally been done to death
for want of dowry.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. In fact, the petitioner
happens to be father-in-law of the deceased and he has never



demanded any dowry nor he has assaulted the deceased in any manner. There is general and omnibus allegation against the petitioner and no specific allegation of any overt act is attributed to him. Moreover, the petitioner has been living separately from the deceased and his son. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the co-accused, namely, Ram Pravesh Sah and Gagan Kumar @ Gagan Sah have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 10823 of 2021 and one another co-accused, namely, Shobha Devi has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.04.2021 passed in Cr. Misc. No. 5497 of 2021. The petitioner is rotting in judicial custody since 11.10.2022.

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

Considering the facts and circumstances of the case, let the, above named, 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 learned Judicial Magistrate-1st Class in connection with A.P.M. (Ashok Paper Mill) P.S. Case No. 134 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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