

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9369 of 2023

Arising Out of PS. Case No.-199 Year-2021 Thana- RAJEPUR District- East Champaran

PREM KUMAR Son of Harinandan Rai R/V- Narhan, P.S- Rajepur, Dist-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.10.2022 in connection with Rajepur P.S. Case No. 199 of
2021, F.I.R. dated 13.12.2021 for the offences punishable under
Sections 304(B), 201, 120(B)/34 of the Indian Penal Code.

Allegation against the petitioner is that he along with
his family members killed the daughter of the informant on the
pretext of non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that petitioner
is the husband of the deceased and the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has never



demanded any amount from the family member of the deceased. He further submits that in fact the deceased was pregnant and during course of the treatment and operation, she died at S.K.M.C.H., Muzafarpur on 10.12.2021. He further submits that it appears from Annexure-2 that deceased was admitted on 07.12.2021 for her treatment and she had died on 10.12.2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Rajepur P.S. Case No. 199 of 2021, subject to 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 absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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