

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12415 of 2023

Arising Out of PS. Case No.-131 Year-2010 Thana- GHANSHYAMPUR District- Darbhanga

Manoj Kamti Son of Late Siyaram Kamti Resident of Village- Bath, P.S.-
Ghanshyampur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
12.10.2022 in connection with Ghanshyampur P.S. Case No.
131 of 2010, F.I.R. dated 17.07.2010 for the offences punishable
under Sections 304(B)/34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with his family members have murdered the daughter of the
informant due to 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 it appears
from the F.I.R that the allegation as alleged in the F.I.R is false



and fabricated and there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that at the time of occurrence, the petitioner was not present there and he was in Bombay. He further submits that in fact, the deceased had committed suicide and the father of the deceased has filed an affidavit before the learned Trial Court and states that he has filed the present F.I.R. due to some misunderstanding. He further submits that the family member of the petitioner have never demanded any dowry from the family of the deceased. He further submits that the deceased had consumed poison herself. It is further stated that the trial of the father of the petitioner, namely, Shiyaram Kamti has been acquitted in Sessions Trial No. 13 of 2011 vide order dated 07.01.2016. The petitioner is in custody since 12.10.2022.

The learned Additional Public Prosecutor 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 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub



Divisional Judicial Magistrate, Biraul in connection with Ghanshyampur P.S. Case No. 131 of 2010, 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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