

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14206 of 2023

Arising Out of PS. Case No.-269 Year-2022 Thana- VAISHALI District- Vaishali

Md. Rafique Son of Md. Ismail @ MD. ISRAIL Resident of Village -
Bhagwanpur Ratti Tola saddopur, P.S.- Bhagwanpur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since 13.08.2022 in connection with Hajipur Sadar P.S. Case No. 269 of 2022, F.I.R. dated 19.07.2022 for the offences punishable under Sections 498A/302 of the Indian Penal Code and the police have submitted the charge sheet under Section 498A/302 of the Indian Penal Code.

4. According to prosecution case, all the accused persons including the petitioner have killed the daughter of the informant due to non-fulfillment of demand of dowry.



5. 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 the petitioner is the father-in-law of the deceased and it appears from the F.I.R that no specific allegation of assault or overt act is attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioner has been implicated in this present case. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 13.08.2022.

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

7. 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 269 of 2022, 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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