

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13614 of 2023

Arising Out of PS. Case No.-188 Year-2021 Thana- MADHUBAN District- East Champaran

Dharmendra Prasad S/O Surendra Prasad Resident Of Bahuara, P.S.-
Madhuban, District- 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. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-06-2023 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
31.07.2022 in connection with Madhuban P.S. Case No. 188 of
2021, F.I.R. dated 19.06.2021 for the offences punishable under
Sections 302/34 of the Indian Penal Code but the police has
submitted charge sheet under Section 306/34 of the Indian Penal
Code.

According to prosecution case, this petitioner along
with other accused persons have killed the sister, nephew and
niece of the informant and carried the dead bodies in two bags.



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 husband of the deceased. He further submits that allegation against the petitioner is that he committed the murder of the deceased and their two children. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. It appears from the F.I.R. that there is no any specific allegation leveled against the petitioner and it has come during investigation that the wife of the petitioner had committed suicide herself along with her children. The petitioner is in custody since 31.07.2022.

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

Considering the aforesaid facts and the charge has been framed under Section 306/34 of the Indian Penal Code and period of custody, 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 Judicial Magistrate, 1st Class, Sadar, Motihari in connection with Madhuban P.S. Case No. 188 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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