

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16983 of 2023

Arising Out of PS. Case No.-534 Year-2022 Thana- KORHA District- Katihar

=====

Ajay Kumar Manjhi S/O Arjun Prasad Gupta R/O Village- Paswan Tola, P.S
And P.O- Korha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary, APP
For the Informant	:	Mr. Bhanu Pratap Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-09-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner, Mr. Bhanu Pratap Singh, learned counsel
appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.01.2023 in connection with Korha P.S. Case No. 534 of
2022, F.I.R. dated 30.11.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, the daughter of the
informant was married to this petitioner long back in the year
2008. It is alleged that this petitioner used to torture the
daughter of the informant and demand dowry of Rs. 5 lakh and
due to non-fulfillment of demand of the same, all the accused



persons including the petitioner killed the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is the husband of the deceased. He further submits that the marriage of the petitioner with the deceased was performed 15 years ago and there is no complain by the deceased against the petitioner during these 15 years and in fact, the deceased had committed suicide herself. He further submits that the police after investigation submitted the charge sheet under Section 306 of the Indian Penal Code against the petitioner. The petitioner is in custody since 05.01.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in paragraph no. 30 of the case diary in which the statement of the son of the victim who also happens to be the son of the petitioner was recorded in which he has categorically stated that the petitioner always used to beat his mother (deceased) and the F.S.L. report suggests that the cause of death is due to consumption of poison



and the bottle of poison was also found near the place of occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and 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, Katihar in connection with Korha P.S. Case No. 534 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Vanisha/-

U		T	
---	--	---	--

