

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19557 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Jiyodhan Singh Son of Late Devi Deyal Singh, R/o Village- Madarihan, P.S.-
Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
25.12.2022 in connection with Charpokhari P.S. Case No.223 of
2022, F.I.R. dated 01.12.2022 for the offences punishable under
Sections 341, 323, 304(B) of the Indian Penal Code.

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

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 father-in-law of the deceased. He further submits
that bare perusal of F.I.R. it appears that there is no specific
allegation of any assault or overt-act or demand of dowry is



attributed against the petitioner rather there is general and omnibus allegation against all the accused person including the petitioner. He further submits that similarly situated, co-accused, namely, Meena Devi who is wife of the petitioner and mother-in-law of the deceased has been granted bail by a co-ordinate Bench of this Court vide order dated 12.07.2023 passed in Cr. Misc. No. 19327 of 2023 and the bail petition of the husband of the deceased who is son of the petitioner namely, Dhanu Kumar @ Dhannu Kumar has been rejected vide order dated 27.07.2023 passed in Cr. Misc. No.43412 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.12.2022.

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

6. 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 Sri Vikash Kumar, Judicial Magistrate-1st Class, Ara, Bhojpur in connection with Charpokhari P.S. Case No.223 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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