

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22918 of 2023

Arising Out of PS. Case No.-118 Year-2020 Thana- BARHARA District- Bhojpur

RAM PRASAD RAI SON OF LATE NATH NARAYAN RAI @ LATE
NARAYAN RAI @ RAMAYAN RAI VILLAGE SHALIGRAM SINGH KA
TOLA PS BARHARA, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Barhara P.S. Case No. 118 of 2020 registered for the offences
punishable under Sections 304(B), 201/34 of the Indian Penal
Code.

As per prosecution case, petitioner and others are
said to have concertedly tortured the informant's daughter for
demand of dowry and due to non fulfillment of demand of
dowry they killed her and concealed her dead body.

Learned counsel for the petitioner submits that
petitioner is in custody since 16.01.2023. He further submits
that prior to the present case petitioner has no criminal



antecedent and after the present case three cases have been lodged against the present petitioner. He further submits that petitioner is brother of father-in-law of the deceased and he has nothing to do with the alleged occurrence. Petitioner has no say in the family affairs of husband of the deceased and is residing separately from family of husband of the deceased. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Munna Rai on similar allegation has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 30645 of 2021 and petitioner deserves the same treatment.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, on similar allegation co-accused Munna Rai has been granted bail by co-ordinate Bench of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur in connection with Barhara P.S. Case No. 118 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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