

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23186 of 2023**

Arising Out of PS. Case No.-176 Year-2021 Thana- KASIMBAZAR District- Munger

RAJESH KUMAR TIWARI S/O JAI NARIAN PRASAD TIWARI Resident
of Village- Puraniganj, P.S.- Kasim Bazar District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Puja Kumari, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 3 19-07-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 27.07.2021 in connection with Kasim Bazar P.S. Case No. 176/2021, S. Tr. No. 226/2021, F.I.R. dated 27.06.2021, for the offences punishable under Section 304(B) of the IPC.
3. Allegation against the petitioner is of committing torture and caused death of the victim due to non-fulfillment of the demand of dowry.
4. Earlier the bail petition of the petitioner was rejected vide order dated 21.09.2022 in Cr. Misc. No. 7511/2022. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed



against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. The informant is also not an eyewitness of the alleged occurrence.

5. Vide order dated 03.05.2023 a report was called for from the learned Trial Court. Report dated 04.07.2023 of the learned Trial Court reveals that initially the charge was framed on 10.12.2021, thereafter all the charge sheeted witnesses have been examined in this case and on 14.11.2022 the prosecution has filed a petition for adding section 302 of the IPC and the learned trial court after hearing the parties add section 302 of the IPC and fresh charge was framed on 09.02.2023. Thereafter summons were issued to the witnesses for appearance to adduce evidence but till date no witness has been examined in this case.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in near future and the petitioner is in custody since 27.07.2021.

7. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and report of the learned trial court, 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



Sessions Judge, Munger in connection with Kasim Bazar P.S. Case No.176/2021, 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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