

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24050 of 2022

Arising Out of PS. Case No.-120 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Kishun Sah, aged about 55 years, Male Son of Gango Sah Resident of
Village - Sirsi, P.S.- Bibhutipur, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Raja Ram Mishra, Adv.

For the State : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor (*for brevity 'APP'*) for the State.

The petitioner seeks bail in connection with *Bibhutipur PS Case No. 120 of 2020*, registered for the offence punishable under Sections 201 and 304-B/34 of the Indian Penal Code.

There is an allegation in the First Information Report (*for brevity 'FIR'*) that the informant's sister, who was married with the petitioner's son, six years back, has been done to death by her husband and in-laws for non-fulfillment of their demand for dowry.

Learned counsel for the petitioner submits that informant, obviously, not an eye-witness to the occurrence, has named all 8 members of the family, including the female members. The instant petitioner is father-in-law and, only by virtue of relationship, he has been implicated. The cause of death has not been ascertained till date. The petitioner has remained in custody for nearly one year from 16-01-2022. It is also submitted that realizing the fact that FIR has been lodged under misconception, the parties have filed a compromise petition before the learned Court below on 27-01-2021.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 SDJM, Rosera, in connection with *Bibhutipur PS Case No. 120 of 2020, GR No. 455 of 2020*, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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