

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24445 of 2023

Arising Out of PS. Case No.-296 Year-2021 Thana- BARHARA KOTHI District- Purnia

1. BAMBAM MANDAL S/O LATE BINDESHWARI MANDAL R/O Village- Aurahi Dubba, P.S- Barhara, Distt.- Purnea.
2. Hara Devi W/O Bambam Mandal R/O Village- Aurahi Dubba, P.S- Barhara, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-10-2023 Heard Mr. Viveka Nand Singh learned counsel for the petitioner and Mr. Ram Priya Sharan Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in Barhara P.S. Case No. 296 of 2021 registered for the offence under Sections 304(B), 201/34 of the Indian Penal Code.

The daughter of the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry by the petitioner and others and she has finally been done to death for want of dowry.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case merely on the ground that



the petitioner is a family member of the husband of the deceased. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 05.09.2021 whereas the instant F.I.R. has been lodged on 10.09.2021 after five days without any explanation. He further submits that the petitioner No.1 happens to be Bhaisur and petitioner No.2 happens to be Gotni of the deceased and they have no concern at all the alleged occurrence as they used to live separately. He further submits that as a matter of fact the deceased died due to snake biting and her cremation was done in present of the deceased family members and just to harass the petitioner, this false case has been lodged against the petitioner and other five accused persons.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned A.C.J.M.-II, Purnea in connection with Barhara P.S. Case No. 296 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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