

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25850 of 2023

Arising Out of PS. Case No.-7 Year-2022 Thana- SUGAULI District- East Champaran

Lal Bihari Prasad @ Lal Bihari Kumar Son of Jagdish Bhagat Resident of
village - Madhopur Nizamat, P.S. - Sugauli, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
30.01.2023 in connection with Sugauli P.S. Case No. 7 of 2022,
F.I.R. dated 02.01.2022 for the offences punishable under
Sections 304(B)/34, 120(B) of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with his family members killed the daughter 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 the husband of the deceased. He further submits
that the allegation as alleged in the F.I.R. is false and fabricated



and petitioner has not committed any offence as alleged in the F.I.R.. He further submits that in fact the petitioner was not present at the time of occurrence and informant is not the eye witness of the alleged occurrence and as per postmortem report the cause of death assigned by the medical officer that hard and blunt substance by Train. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 30.01.2023.

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, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 7 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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