

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26990 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- SONHAN District- Kaimur (Bhabua)

HIND LAL KUMAR Son of Chamaru Bind Resident of village - Mohan
Darwan, P.S. - Sonhan, Distt. - Kaimur at Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 28-08-2023 Heard the parties.

2. The petitioner is an accused in connection with Bhabua (Sonhan) P.S. Case No. 173 of 2022 (Sessions Trial No. 324 of 2022) registered for the offences under sections 304B, 201 and 34 of the Indian Penal Code lodged on 22.03.2022 by the informant, Balli Bind.

3. As per the prosecution story, the informant alleged that her daughter was married to Hind Lal Kumar (petitioner) in 2021 but was tortured for dowry and on 19.03.2022, an information came that the lady is seriously ill. The mobile thereafter went off and upon reaching the in-laws house found that not only she was dead, the mortal remains were consigned to flames. Accordingly, the FIR.

4. It is the case of the petitioner that she was ill and



died due to illness and on suspicion, the informant lodged the case. Subsequently, he realized and has deposed before the Trial Court that she was ill and he had knowledge about her death. Further, he had no knowledge what has been stated in the FIR and he merely put his LTI over it.

5. Learned APP for the State though opposes the prayer stating that he is husband concedes that the informant has deposed contrary to what has been alleged in the FIR.

6. Taking into account the aforesaid submission, the deposition of the informant as P.W. 3 before the Trial Court, is in custody since 23.06.2022 (as stated in paragraph 12 of the bail application), this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Additional Sessions Judge -XI, Kaimur at Bhabua in connection with Bhabua (Sonhan) P.S. Case No. 173 of 2022 (Sessions Case No. 324 of 2022), subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

