

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28528 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Lalu Gond @ Lalan Gond S/O Late Pravesh Gond @ Ram Pravesh Gond R/O
Village- Hata, P.S- Chainpur, Distt.- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Advocate Mr. Chandra Mohan Jha, Advocate Mr. Rakesh Kumar Mishra, Advocate
For the Opposite Party/s	:	Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 21-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 27.02.2022 in connection with S.Tr. No. 322 of 2022 arising out of Chainpur P.S. Case No. 34 of 2022, F.I.R. dated 26.02.2022 for the offences punishable under Sections 302, 304B and 498A of the Indian Penal Code.

4. According to prosecution case, this petitioner used to torture the daughter of the informant and has killed her due to non-fulfillment of demand of dowry by setting her on fire.



5. 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 the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act attributed against the petitioner. He further submits that the trial has begun and the informant has been deposed on 18.07.2023 before the learned Trial Court and he has not supported the case of the prosecution. In fact, he has stated in paragraph no. 10 of the deposition that the daughter of the informant was making food and she died accidentally and the petitioner and other accused persons have not committed any offence. The petitioner is in custody since 27.02.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, 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 1st



Additional Sessions Judge, Kaimur at Bhabua in connection with S.Tr. No. 322 of 2022 arising out of Chainpur P.S. Case No. 34 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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