

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30358 of 2022

Arising Out of PS. Case No.-73 Year-2020 Thana- VISHNUPAD District- Gaya

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Kundan Ray Son of Arjun Ray R/o- Vishnu Apartment, P.S.- Vishnupad,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Kumar Maharaj

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 24-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 257 of 2020 arising out of Vishnupad P.S.
Case No. 73 of 2020, G.R. No. 1461 of 2020 registered for
the offences punishable under Sections 304(B)/34 of the
Indian Penal Code.

The prosecution case as emerges from the FIR is
that the marriage of the informant's daughter, namely,



Kajal was solemnized with Kundan Ray, in a temple according to Hindu rites and customs on 17.01.2019. After some time, the husband and his family members started torturing her for non-fulfilment of illegal demand of dowry, and ultimately, they killed her.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there was no assault caused by the petitioner to the alleged victim. In fact, she had fallen down from ladder getting head injury resulting into her death. The incident was informed by the petitioner to the informant/ Mausi and the petitioner also got her admitted in a hospital for treatment where she died ultimately. As per the post-mortem report, death has been caused due to shock and hemorrhage. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He undertakes to ensure that Trial will not get hampered in case the petitioner is enlarged on bail.

He further submits that the petitioner has been languishing in jail since 27.08.2020.



It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the present matter.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the period of custody and the stage of proceedings before the Trial Court **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional District and Sessions Judge-X, Gaya in connection with Sessions Trial No. 257 of 2020 arising out of Vishnupad P.S. Case No. 73 of 2020, G.R. No. 1461 of 2020, **after framing of charge if already not framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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