

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34745 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- ISHIPUR District- Bhagalpur

SATYANARAYAN UPADHYAYA Son of Late Ramnaresh Upadhaya
Resident of Village- Jhurphuriya, PS- Ishipur Barahat, District- Bhagalpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Ishipur Barahat P.S. Case No.138 of 2022 instituted under Sections 304(B)/34 of the IPC lodged on 28.10.2022 by the informant Baynandan Pandey.

As per the FIR, the informant solemnized the marriage of his daughter, Anjali Kumari with Rishikant Upadhay in the year 2021 and Rs. 51000/- was transferred in the account of Ramanand Upadhay and further cash of Rs.66000/- was given for motor cycle beside, one gold ring, sarees as dowry. However, she was regularly tortured for dowry. When this fact was narrated by his daughter to the informant upon which he went to her in laws house and tried for 'Bidagiri' of his daughter but they refused.



It is further alleged that his the torture continued whereafter she fall ill and was admitted at Pirpainti hospital from where she was referred to Mayaganj, Bhagalpur but was taken to Godda hospital where she died. It is further alleged that as the accused persons did not take proper care and treatment, his daughter died. Accordingly, the FIR.

Learned counsel for the petitioner submits that he is father-in-law, aged person, nothing to do with the couple, only because he belongs to the extended family has been implicated in this case. It is his further submission that the husband is in custody which has been incorporated in paragraph 11 of the petition. The last submission is that he is in custody since 15.10.2022 (as stated in paragraph-10 of the petition).

Learned APP opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is father-in-law, the husband is in jail and has remained in custody since 15.10.2022, do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Ishipur



Barahat P.S. Case No.138 of 2022 to the satisfaction of learned
A.C.J.M., XIII, Bhagalpur, subject to 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 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 the bail bonds;

(iv) 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.

(Rajiv Roy, J)

Prakash Narayan /-

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