

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36117 of 2023

Arising Out of PS. Case No.-358 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

DHIRAJ KUMAR Son of Krishna Prasad Resident of village -
Udawanagar, P.S. - Udawanagar, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2023 Heard the parties.

The petitioner is in judicial custody in connection with Udawanagar P.S. Case No. 358 of 2021 for the offence punishable under Sections 304(B), 34, 328 of the I.P.C. lodged on 17.8.2021 by the informant, Binod Prasad.

In the FIR, the allegation is of poisoning the informant's daughter for want of dowry.

It is the case of the petitioner that admitted fact is that the lady took poison and died and the accused had no role to play in the matter.

Further, despite being the husband, he had no role to play in the matter, has sufficiently suffered by being in custody since 18.2.2021 (as per para-15 of the petition).

Learned APP opposes the prayer for bail.



Taking into account the aforesaid fact that the lady has died of poisoning, the FIR is on record, the accuseds will have to face the trial, chargesheet stands submitted and he has remained in custody for more than two and half years, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, in connection with Udawanagar P.S. Case No. 358 of 2021 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 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 his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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