

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35052 of 2023**

Arising Out of PS. Case No.-489 Year-2022 Thana- KUSHESHWARASTHAN District-  
Darbhanga

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MUKESH KUMAR @ MUKESH YADAV son of Manohar Yadav Village-  
Jhajhra Bahorwa Ps- K. Asthan Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Shama Sinha, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

- 3      04-08-2023                      1. Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.
2. Petitioner, who is in custody since 20.02.2023 seeks  
bail, in connection with G.R. No.1067/2022, arising out of  
Kusheshwar Asthan P.S. Case No.489/2022, dated 24.12.2022,  
for the offence punishable under Section 304(B)/34 of the IPC  
but the police after investigation submitted charge sheet against  
the petitioner under Section 302 of the IPC.
3. According to prosecution case, the petitioner is  
alleged to have committed murder of the deceased due to non-  
fulfillment of the demand of dowry.
4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that before filing of the present F.I.R. i.e. on 24.12.2022, the inquest report was prepared on 21.12.2022 and the postmortem was also conducted before filing of the present F.I.R. He further submits that from bare perusal of the inquest report, it appears that only one injury was found on the left hand of the victim and it has come during investigation that the compromise is going on between the parties but due to some dispute, the informant has filed the present false and fabricated case against the petitioner and his family members. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.02.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and learned counsel for the informant refers paragraph-76 of the case diary, the statement of Laxmi Kumari, who is daughter of the petitioner as well as daughter of the deceased categorically



stated that the petitioner has assaulted the victim.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Benipur in connection with G.R. No.1067/2022, arising out of Kusheshwar Asthan P.S. Case No.489/2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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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