

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38819 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Omprakash Sahani @ Omprakash Sahni son of Nathuni Sahni Village-
Vijaypur Ps- Kuchaikote Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Singh, Advocate
For the Informant	:	Mr. Nurul Hoda, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
01.03.2023 in connection with Kuchaikote P.S. Case No. 35 of
2023, PTN No.303/2023, F.I.R. dated 25.01.2023 for the
offences punishable under Sections 304B and 34 of the Indian
Penal Code.

3. Allegation against the petitioner is that he along
with his family members killed the daughter of the informant on
the pretext of non-fulfillment of demand of dowry.

4. 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 bare perusal of F.I.R. it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and petitioner has not demanded any dowry from the family member of the deceased. He further submits that the inquest report and postmortem report of the deceased suggest that the deceased has committed suicide herself. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 01.03.2023.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the deceased has died within seven years of the marriage and there is specific allegation against the petitioner and their family members that they have demanded the dowry from the family member of the deceased.

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 Additional Chief Judicial Magistrate-I, Gopalganj in connection with Kuchaikote P.S. Case No. 35 of 2023, PTN No.303/2023, 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)

mdrashid/-

U		T	
---	--	---	--

