

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40894 of 2023

Arising Out of PS. Case No.-2 Year-2020 Thana- VALMIKINAGAR District- West
Champaran

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MANOJ YADAV S/O SURESH YADAV R/O Village- Haraiya Cot, P.S-
Valmikinagar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Valmikinagar P.S. Case No.02 of 2020 for the offences under Section 304(B)/34 of the Indian Penal Code lodged on 09.01.2020 by the informant, Shankar Yadav.

Earlier the Cr. Misc. No.53260 of 2021 was rejected on 05.04.2022.

A report was called for which has since been received vide letter no.646 dated 04.07.2023 according to which two witnesses have been examined and for others, process of bailable warrant have been issued.

The prosecution case as it unfolds in the FIR is that the informant had married his daughter with the petitioner in the year 2017 and had gifted him a motorcycle. However from day



one, she was tortured for dowry and on the fateful day the petitioner called the informant and told him that the lady is serious. Upon reaching the place, he found her daughter dead and all the family members of the petitioner herein were absent. This way the present FIR came to be lodged.

Learned counsel for the petitioner submits that the witnesses have not supported the prosecution story during Trial.

Learned APP opposes the prayer.

Considering the fact that the petitioner has remained in custody since 13.01.2020 (para-11 of the petition), do not have criminal antecedent, the witnesses who have been examined have not supported the prosecution story (Annexure-3 Series), this Court is inclined to extend 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 Valmikinagar P.S. Case No.02 of 2020 to the satisfaction of learned Ist Additional Sessions Judge, Bagaha, West Champaran, 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 appear before the concerned police station every month till conclusion of the trial to mark attendance;

(iv) 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;

(v) 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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