

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40883 of 2023

Arising Out of PS. Case No.-744 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Vickey Kumar @ Vickey Kumar Rai Son Of Anirudh Rai @ Ram Babu Rai
R/O Village- Mahto Musehari, Ps- Chapra Muffasil, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 07.11.2022 in connection with Chapra Muffasil P.S. Case No. 744 of 2022, F.I.R. dated 11.10.2022 for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. Petitioner alongwith others carry on allegation of causing death of the daughter of the informant Puja Devi within a period of four years in her matrimonial house due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. From a bare perusal of the FIR it appears that there is no specific allegation of assault attributed



against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. In fact the deceased, who is wife of the petitioner, has committed suicide herself and it has come during investigation in para-13 and 14 of the case diary that the independent witnesses have stated that the victim has committed suicide and the postmortem report of the victim also suggests that she has committed suicide herself and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 07.11.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner but fairly submits that it has come during investigation in para-13 and 14 of the case diary that the victim has committed suicide herself.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charges, if not framed**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Muffasil P.S. Case No. 744 of 2022, subject to the following conditions:-



I. 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.

II. 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.

III. 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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