

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43416 of 2023

Arising Out of PS. Case No.-480 Year-2021 Thana- RAXAUL District- East Champaran

VIVEK KUMAR Son of Late Vinod Kushwaha Resident of village - Koiriya
Tola, Ward no. 24, P.S. - Raxaul, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 499/ 2022 arising out of Raxaul P.S. Case No. 480 of 2021 dated 15.12.2021 registered for the offences punishable u/ss 363, 365, 498A, 304B, 201 read with Section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have abducted and committed murder of the daughter of the informant due to non-fulfillment of demand of Rs. 5 lacs as dowry. The dead body of the informant's



daughter was disappeared by the accused persons.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner never demanded any dowry nor tortured the informant's daughter. There is general and omnibus allegation against the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is the husband of the deceased and he is in custody since 18.12.2021. It is a prolonged incarceration.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner who is the husband of the deceased.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody and the allegation being general and omnibus, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Sessions Trial No. 499/ 2022 arising out of Raxaul P.S. Case No. 480 of 2021 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each



and every date, failing which on
two consecutive dates without
reasonable cause, his bail bonds
is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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