

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43751 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- CHOUTARWA District- West
Champaran

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TRIPURARI BAITHA Son of Late Lal Parikshan Baitha Resident of Village -
Bakiyatola, Police Station- Chautarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 23-03-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Section 304(B)/34 of IPC.

Allegation against the petitioner is that he alongwith
another co-accused person have in furtherance of their common
intention committed the dowry death of the daughter of the
informant.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that the present
FIR has been instituted three days after the cremation of the
deceased and deceased was cremated in presence of the



informant. Further submits that it has come during investigation that in paragraph-12 and 13 of the case diary that the deceased has committed suicide herself and the petitioner was not present at the time of the occurrence.

Vide order dated 16.02.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 04.03.2023 reveals that the charge has been framed against the petitioner and till date no witnesses have been examined as yet.

Learned counsel for the petitioner submits that in view of the aforesaid, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.05.2022 and during investigation it has come that the victim has committed suicide herself.

Learned counsel for the informant and learned A.P.P. for the State have no objection in this regard.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Chautarwa P.S. Case No. 162 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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