

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44873 of 2022**

Arising Out of PS. Case No.-122 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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Vikash Kumar Sah @ Vikash Sah S/O Jagdish Sah Resident of village-
Chhapiya P.S.- Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 03-02-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in the virtual court

proceeding.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304B, 201 and 34 of the
Indian Penal Code and ³/₄ of the Dowry Prohibition Act.

According to prosecution case, the accused persons
including the petitioner used to torture the daughter of the
informant mentally and physically due to non-fulfillment of
demand of dowry. It is further alleged that the petitioner has



murdered the daughter of the informant and done her funeral without calling her parents.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the ground that the petitioner is the husband of the deceased. He further submits that there is no eye witness of the alleged occurrence and only on the basis of the suspicion, the petitioner has falsely been implicated in the case. He further submits that except the suspicion, no other cogent material has come during investigation against the petitioner. He further submits that the dead body of the deceased was received from outside of the house of the co-accused namely Sonu Kumar Sah, who has been granted bail by a Co-ordinate Bench of this Court, vide order dated 16.02.2022 passed in Cr. Misc. No. 6709 of 2022 and another co-accused, namely, Jagdish Sah has been granted bail by a co-ordinate Bench of this Court vide order dated 12.04.2022 passed in Cr. Misc. No. 40183 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Gopalganj Town P.S. Case No. 122 of 2021 GR No. 662 of 2021, 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)

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