

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47563 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

Salendra Ram @ Shalendra Kumar S/o Late Sripati Ram R/o Village-Rampur
Dera, P.S.-Kuaon, District-Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 01.06.2023, in connection with Ramgarh (Nuaon) P.S. Case No. 165 of 2023, F.I.R. dated 31.05.2023 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. Allegation against the petitioner is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis of suspicion and the petitioner is husband of the deceased. He further submits that from a bare perusal of the F.I.R. it appears in the



F.I.R. itself that on the date of occurrence the petitioner was in Delhi and as per allegation in the F.I.R. that the petitioner has instigated the deceased who is daughter of the informant. Learned counsel for the petitioner further submits that from perusal of the postmortem report it appears that the daughter of the informant (deceased) has committed suicide herself and no *anti mortem* injury was found on the person of the deceased except the legature mark on upper part of neck. The petitioner is in custody since 01.06.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the wife of the petitioner died within seven years of marriage in her matrimonial home, however, he fairly submits that it appears from perusal of the F.I.R. itself that the petitioner at the relevant point of time was working in Delhi and he was not present at the place of occurrence.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Mohania, Kaimur at Bhabua in connection with Ramgarh (Nuaon) P.S. Case No. 165 of 2023, 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 witness, 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 antecedents, 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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