

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53011 of 2023

Arising Out of PS. Case No.-81 Year-2021 Thana- AKBARNAGAR District- Bhagalpur

Amit Kumar Son Of Gopi Singh Resident Of Village- English Chichroun, Ps-
Akbaragar, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
13.01.2022 in connection with S.T. No.189 of 2022 arising out
of Akbaragar P.S. Case No. 81 of 2021, F.I.R. dated 30.06.2021
for the offences punishable under Sections 304B, 201/34 of the
Indian Penal Code.

3. Allegation against the petitioner is that he along
with his family members killed the daughter of the informant on
the pretext of non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that bare
perusal of F.I.R. it appears that there is no specific allegation



against the petitioner and the petitioner has falsely been implicated in this case merely on the ground that petitioner is brother-in-law of the deceased and it has come during investigation that the deceased has committed suicide. He further submits that similarly situated, co-accused, namely, Gopi Singh and Sumit Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 05.07.2023 passed in Cr. Misc. No. 35938 of 2023 who are father-in-law and brother-in-law of the deceased and another co-accused namely, Ashoka Devi who happens to be mother-in-law of the deceased has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 21.12.2022 passed in Cr. Misc. No.48758 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 13.01.2022.

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

6. Considering the aforesaid facts and circumstances and period of custody, 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 Additional District and Sessions Judge-16th, Bhagalpur in connection with S.T. No.189 of 2022 arising out of Akbarnagar P.S. Case No. 81 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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