

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52310 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- PAROO District- Muzaffarpur

NITESH KUMAR S/O JIYALAL BHAGAT @ JIYALAL BHAKT R/O
VILLAGE- HARISHANKARPUR, PS. PAROO, DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioner is an accused in connection with Paroo P.S. Case No. 233 of 2023 registered for the offences under sections 304B, 201 and 34 of the Indian Penal Code lodged on 26.05.2023 by the informant, Anita Devi.

As per the prosecution story, the informant alleged that the victim lady was married to the petitioner but was regularly tortured for dowry and from unknown persons, they came to know about the death. Accordingly, the FIR.

It is the case of the petitioner that the marriage is of a decade old, there was no question of demand of dowry, she suffered due to food poisoning, rushed to a private Doctor who referred her to hospital but she died on way.

Learned APP for the State, on the other hand, opposes



the prayer for bail stating that he being the husband failed to take care of the lady and the time, she reached the private Doctor, she was already unconscious.

Considering the facts on record, the submissions put forward by the learned Counsel for the petitioner and going through the prescription of the private Doctor as also that the charge sheet has been submitted and he is in custody since 27.03.2023 (as stated in paragraph 12 of the bail application), this Court is inclined to extend him privilege of bail after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M. 1st Class, Muzaffarpur (West) in connection with Paroo P.S. Case No. 233 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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