

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52011 of 2023**

Arising Out of PS. Case No.-107 Year-2023 Thana- NAANPUR District- Sitamarhi

Rakesh Kumar S/O- Amiri Rai Village- Bakori Ps- Nanpur Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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

2 17-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 11.03.2023, in connection with Nanpur P.S. Case No. 107 of 2023, F.I.R. dated 10.03.2023 registered for the offences punishable under Sections 304B, 120B, 201 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant's daughter aged about 19 years was missing since 14.04.2021 from his *darwaja* but she could not be traced out in spite of search. Thereafter, the informant came to know that co-accused Kamlesh Kumar solemnized marriage with the informant's daughter and established physical relation with her and started demand of dowry from her. It is further alleged that



her daughter told him about her torture by the accused persons including the petitioner for non-fulfillment of demand of dowry and threatening for committing her murder to her mother on mobile. When no call came from his daughter then he tried to know about her and the informant learnt that accused Kamlesh Rai with other co-accused persons have committed dowry death of his daughter.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the brother of the petitioner has never solemnized marriage with the daughter of the informant and the daughter of the informant was missing since 14.04.2021 but the informant has not filed/lodged any case against the brother of the petitioner or the family members of the petitioner. He further submits that from a bare perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that the police after investigation submitted



chargesheet against the petitioner and the petitioner is in custody since 11.03.2023.

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

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 Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Nanpur P.S. Case No. 107 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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