

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60319 of 2023**

Arising Out of PS. Case No.-449 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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RAMESH YADAV SON OF BHIKHARI RAI RESIDENT OF VILLAGE-
AND PO- LAXMIPUR, PS- MUFFASIL MOTIHARI, DISTT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Pramod Kumar Prasad, Advocate

For the Opposite Party/s : Mr Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2023

Heard the parties.

2 The petitioner is in judicial custody in connection with Motihari Mufassil PS Case No 449 of 2022 dated 21.06.2022 registered for the offence punishable under Sections 304B/34 of Indian Penal Code.

3 As per the prosecution story, the informant's daughter was married to this petitioner but was tortured for dowry and on the fateful night, the informant came to know that she has been killed by the in-laws. Accordingly, the FIR.

4 Learned counsel for the petitioner submits that informant's daughter died a natural death. The dowry was never demanded and under wrong belief, the FIR was lodged for



which the petitioner has already suffered custody since 12.12.2022 (paragraph 21 of the petition). Further submission is that in course of trial, the informant has deposed that his daughter was ill and subsequently died due to that illness. He participated in the cremation and later the villagers took his LTI on blank paper which was converted into FIR by the police.

5 Learned APP opposes the prayer for bail. It is submitted that the trial has begun and he would face the trial.

6 Though the petitioner is husband, the informant, in his deposition at the trial, had narrated a different story, FIR has already been lodged, ultimately he has to face the trial, he is in custody since 12.12.2022, this Court is inclined to extend him the privilege of bail with conditions.

7 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge XXI, Motihari, East Champaran in Motihari Mufassil PS Case No 449 of 2022, corresponding to GR No 3645 of 2022, Sessions Trial No 395 of 2023 subject to the following conditions:

(i) One of the bailors 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 bonds by the trial Court itself;

(iii) The petitioner shall appear before the concerned police station every fortnight for next six months to mark his 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 his bail bonds.

8 With the aforesaid observations, this application is
allowed.

(Rajiv Roy, J)

M.E.H./-

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