

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54984 of 2022

Arising Out of PS. Case No.-87 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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KESHAV KUNWAR, Son Of Late Shankar Kunwar @ Shankar Kumar, R/O
Mohalla- Basatpur, Bara Tola, P.S.- Mufassil, Town, Motihari, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Murari Narain Chaudhary, Advocate
For the State	:	Mr.Pramod Kumar Pandey, APP
For the Informant	:	Mr.Vijay Shankar Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and the learned
counsel for the informant as well as learned APP for the State.

The petitioner seeks bail in connection with Muffasil P.S.
Case No. 87 of 2019 registered for the offence punishable under
Sections 304(B), 201 and 34 of the Indian Penal Code.

The informant has alleged that his sister, after being
subjected to cruelty at her in-laws, was sent back to her father's
home. On 05.03.2019 the petitioner has again taken her back to her
matrimonial home. On the next day, on 06.03.2019, the informant has
learnt that she has been done to death.

Learned counsel for the petitioner submits that it is a case
of false implication. The submission is that the petitioner, having
clean antecedents, is in custody since 25.07.2022 and that the
petitioner has been implicated only by virtue of his relationship. In
fact the husband of the deceased was at Hyderabad at his posting at
the time of occurrence and the victim was also at *Naihar* where she
has died.



Learned counsel for the informant and learned APP for the State have opposed the prayer for bail. It is submitted that in the FIR it is specifically mentioned that it is the petitioner who had taken the informant's sister to her matrimonial home on 05.03.2019 and early next morning they have come to know about her killing.

Considering the rival submissions, nature of allegation, the petitioner's relationship of father-in-law with the deceased and his period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 C.J.M., East Champaran at Motihari, in connection with Mufassil P. S. Case No. 87 of 2019, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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