

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57631 of 2023

Arising Out of PS. Case No.-436 Year-2023 Thana- BAGHA District- West Champaran

Chandeshwar Prasad Soni @ Chandrashekhar Prasad @ Chandradeshwar Prasad S/O Late Jagarnath Prasad Soni R/O Village- Bankatwa Ward No. 21, P.S- Bagaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 20.06.2023 in connection with Bagaha P.S. Case No. 436 of 2023, F.I.R. dated 19.06.2023 for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. According to prosecution case, demand of dowry was made by the in-laws and due to non-fulfillment of demand of dowry, the sister of the informant was being tortured and done to death.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case, merely on the ground that he is



father-in-law of the deceased. He further submits that from the bare perusal of the F.I.R., it appears that there is no allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation. He further submits that co-accused person, namely, Vikash Kumar Soni, who is husband of the deceased and son of the petitioner is in judicial custody since 20.06.2023 and the petitioner is also in judicial custody since 20.06.2023.

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

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate-Ist, Bagaha, District-West Champaran, in connection with Bagaha P.S. Case No. 436 of 2023, subject to the following conditions:-

i. 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.



ii. 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.

iii. 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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