

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56893 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Kundan Kumar @ Kundan Kumar Ray Son Of Umesh Ray R/O Village-
Morwadih, P.S.- Musharigharari, Distt.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
13.11.2021 in connection with Musrigharari P.S. Case No. 152
of 2021, F.I.R. dated 13.11.2021 for the offences punishable
under Sections 304B/34 of the Indian Penal Code.

According to prosecution case, the daughter of the
informant has been strangled to death by the accused persons
on non-fulfillment of demand of Rs. 2 lacs and one motorcycle.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



petitioner is the husband of the deceased. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and other accused persons. He further submits that in fact, the deceased had committed suicide herself and it corroborate with the postmortem report of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 13.11.2021.

Vide order dated 27.02.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 15.03.2023 reveals that the case is pending at the stage of framing of charge.

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

Considering the aforesaid facts and circumstances and the petitioner is in custody since 13.11.2021 and the fact that the trial is no in progress, let the petitioner, above named, be released on bail **after framing of charge, if not** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur in connection with Musrigharari P.S. Case No. 152 of 2021, 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 witnesses, 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 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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