

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69566 of 2022

Arising Out of PS. Case No.-586 Year-2020 Thana- KANKARBAG District- Patna

RAKESH KUMAR @ RAKESH PODDAR Son of Late Shashi Bhushan Lal
Resident of Muhalla - Ashok Nagar, Road No.- 11, Kutti, M.D. Bhawan, P.S.-
Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the informant	:	Mr. Deep Anshuman, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 12-04-2023 Heard learned Senior counsel for the petitioner,

learned A.P.P. for the State and learned counsel for the

informant.

The petitioner has renewed his prayer for bail in a
case registered under sections 304B, 201 and 34 of the Indian
Penal Code.

As per the prosecution case, it is stated by the
informant that his daughter who was married to the petitioner
herein was tortured for non-fulfillment of dowry and ultimately
she along with her five month old male child had died as a result
of a fall.

It is submitted by learned Senior counsel appearing



for the petitioner that the petitioner has been falsely implicated in the case. The informant is admittedly not an eyewitness to the occurrence. The cause of occurrence is other than what has been narrated in the F.I.R. In fact, it was an accidental fall in which the son of the petitioner also died. The petitioner is in custody since 18.8.2020 and undertakes to abide by the conditions which may be laid by this Court for his release on bail.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that both the daughter of the informant as also her son were killed by the accused persons for non-fulfillment of demand of dowry.

From the report received from the learned trial Court, it transpires that the trial in the case has commenced and one out of the six chargesheet witnesses has been examined.

Having heard learned counsel for the parties and taking into consideration the petitioner being in custody for more than 2 years 6 months since 18.8.2020, investigation in the case having concluded and trial in the case having commenced, the Court directs the petitioner to be enlarged on bail in connection with Sessions Case no.398/2020 (arising out of Kankarbagh P.S. Case no.586 of 2020) on furnishing bail bond



of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XXIV, Patna on the following conditions:

(i) the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

In case of the petitioner’s absence on any date for reasons not to the satisfaction of the learned trial Court, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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