

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61796 of 2023

Arising Out of PS. Case No.-543 Year-2022 Thana- HARSIDHI District- East Champaran

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RAMJEE PRASAD S/O DHANPAT PRASAD VILL NAYAKA TOLA PS
HARSIDHI DIST EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
07.07.2023 in connection with Harsidhi P.S. Case No. 543 of
2022, F.I.R. dated 02.11.2022 for the offences punishable under
Sections 304(B), 201 and 34 of the Indian Penal Code.

3. According to prosecution case, the informant alleges
that due to non-fulfillment of demand of dowry, the accused
persons and the present petitioner tortured her and killed her.

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 the
petitioner is father-in-law of the deceased. He further submits
that from a bare perusal of the FIR it appears that there is no



accusation of any assault or overt act for demand of dowry attributed against the petitioner and the allegations are general and omnibus in nature against all the accused persons including the petitioner. He further submits that similarly situated, co-accused, namely, Signi Devi (wife of the petitioner), Pawan Kumar and Ajay Prasad (sons of the petitioner and brothers-in-law of the deceased) have been granted bail by a co-ordinate Bench of this Court vide order dated 20.07.2022 passed in Cr. Misc. No. 32044 of 2023 and the husband of the deceased namely Vijay Prasad is already in judicial custody. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 07.07.2023.

5. The learned Additional Public Prosecutor for the State 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 Chief Judicial Magistrate in connection with Harsidhi P.S. Case No. 543 of 2022, 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.

However, learned Court below is directed to verify the genuineness whether the husband of the deceased is in judicial custody or not, if he is not in



judicial custody then the bail bond of the petitioner
should not be accepted by the learned Trial Court.

(Rajesh Kumar Verma, J)

Adnan/-

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