

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61661 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

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MUKESH PANDIT S/o Late Sipahi Pandit R/V- Purshottampur,)P.O.-
Agarsanda, P.S.- Ara Muffasil, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Section 304(B) of IPC.

The accusation is of killing the sister of the
informant for non-fulfillment of dowry demand.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. Further submits that the
petitioner is husband of the deceased and at the time of incident,
the petitioner was not present he was in Bombay. Further
submits that in fact the victim was committed suicide herself.
He further submits that it has come that a number of
independent witnesses have been examined during investigation



and they have stated that the victim has committed suicide herself. Further submits that the marriage was performed on 11.06.2014 and the present date of occurrence is 13.06.2022 i.e. beyond a period of seven years so no case is made out against the petitioner under Section 304B of IPC and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.08.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Ara Muffasil P.S.Case No.186 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.1

(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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