

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63185 of 2022**

Arising Out of PS. Case No.-276 Year-2021 Thana- BARARI District- Katihar

RAM KUMAR BHAGAT Son of Banarsi Bhagat R/v- Ram Pur Hariyware
Vishanpur P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Soni Shrivastava, Adv. Mr. Ram Prawesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code but the charge sheet has been submitted under Section 306, 120(B)/34 of the Indian Penal Code.

According to prosecution case, the petitioner along with other co-accused persons are said to have committed murder of the sister of the informant due to non-fulfillment of the demand of dowry.

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 brother-in-law of the deceased. The petitioner is not named in the F.I.R. His name has been transpired during re-statement of the informant. He further submits that there is general and omnibus allegation against the petitioner and the husband of the deceased in custody since 07.01.2022. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.07.2022.

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

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 Court below where the case is pending in connection with Barari P.S. Case No. 276/2021, 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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