

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71663 of 2021

Arising Out of PS. Case No.-275 Year-2019 Thana- DINARA District- Rohtas

Ashok Kumar Patel Son of Umashankar Singh Resident of Village and Police Station - Dinara, District - Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 05-10-2023 Heard Mr. Sarof Kumar, learned counsel for the petitioner as well as Mr. Bharat Bhushan, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dinara P.S. Case No. 275 of 2019, F.I.R. dated 02.10.2019 for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

3. According to prosecution case, the informant suspects that this petitioner along with other accused persons have committed murder of his daughter due to non-fulfillment of demand of dowry.

4. 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



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that in fact, the victim who is the wife of the petitioner has gone with the mother of the petitioner for her treatment in the hospital of Dr. Shanti Rai and it has come during investigation that after her treatment, she left the hospital with one other person and thereafter the victim was still traceless. He further submits that the family members of the victim has filed the present false and fabricated case against this petitioner and his family members. He further submits that the father of the petitioner who is also the father-in-law of the victim has written application to Senior Superintendent of Police, Rohtas pleading for proper investigation of the present case and after that it has come during investigation that the victim has gone with another person and pursuant to that the other co-accused persons, namely, Janki Devi, Umashankar Singh @ Umashanker Patel and Jwala Singh @ Saroj Kumar Patel have been granted anticipatory bail vide order dated 08.04.2021 in Cr. Misc. No. 13874 of 2021, 20.12.2021 in Cr. Misc. No. 14759 of 2021 and 18.12.2020 in Cr. Misc. No. 22025 of 2020 respectively.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner. o

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional District Judicial Magistrate, Bikramganj, Rohtas in connection with Dinara P.S. Case No. 275 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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