

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61013 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- KATORIYA District- Banka

Debi Das @ Deb Narayan Das Son of Tarni Das R/o Village- Supaha
(Mabada), P.S.- Katoriya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 21-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
14.05.2022 in connection with Katoriya P.S. Case No. 148 of
2022, F.I.R. dated 12.05.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, it is alleged in the
F.I.R. that on 11.05.2022, at 11 P.M., the petitioner and other
killed the younger sister of the informant, namely, Munni Devi
by strangulation. It is also alleged that prior to the occurrence,
the petitioner and others used to commit mar-pit with the
deceased and threaten her to kill.

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 in fact the marriage was solemnized with the deceased 20 years ago and there was no complain with regard to the demand of dowry or torture. He further submits that bare perusal of the F.I.R. it transpires that there is general and omnibus allegation against the petitioner and the informant is not the eye witness of the alleged occurrence and the postmortem report reveals that no any external or internal injury was found on the person of the deceased and the viscera report suggest that no Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison could be detected in the contents of glass jar as described above. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 14.05.2022.

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 Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No. 148 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.

(Rajesh Kumar Verma, J)

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