

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67833 of 2022**

Arising Out of PS. Case No.-42 Year-2022 Thana- VALMIKINAGAR District- West
Champaran

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SHIV SHANKAR KUSHWAHA @ SHEOSHANKAR KUSHWAHA Son of
Late Thakur Prasad @ Late Heera Lal Kushwaha Resident of village - Verma
Colony, Bherihari, P.S.- Valmiki Nagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv.

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

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

4 24-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Valmiki Nagar P.S. Case No. 42 of 2022 dated 20.04.2022

registered for the offence under Sections 302/34 of the

Indian Penal Code.

The daughter of the informant is alleged to have

been killed by the petitioner and his family members when

the deceased refused to establish physical relation with the

petitioner, who happens to be father-in-law of the deceased.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case merely



on the ground that the petitioner happens to be father-in-law of the deceased. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the petitioner and no specific allegation of overt act is attributed to him. The informant does not claim to be eye witness to the alleged occurrence and it has emerged during course of the investigation that the deceased herself committed suicide. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran in connection with Valmiki Nagar P.S. Case No. 42 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 canceled 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.

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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