

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63771 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

UTTAM SONI @ UTTAM KUMAR SONI SON OF LATE KRISHNA SONI
R/v- Harpur, P.S.- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, A.P.P.
For the Informant	:	Mr. Javed Aslam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-04-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 14.07.2021 in connection with S.Tr. No. 148 of 2022 arising out of Kuchaikote P.S. Case No. 287 of 2021, F.I.R. dated 13.07.2021 for the offences punishable under Sections 304(b)/34 of the Indian Penal Code but the police after investigation submitted the charge sheet under Section 306 of the Indian Penal Code.

According to prosecution case, in brief, is that Baby Kumari (sister of the informant Vishwakarma Soni) was married to co-accused Uttam Kumar Soni as per Hindu rites and rituals,



on the eve of marriage, cash Rs.3,00,000/- (Three lakhs) and ornaments, motorcycle and other articles was gifted. It is further stated that after 3-4 days of marriage, all her matrimonial family members including the petitioner subjected her to cruelty in connection with their demand of dowry and lastly on 13.07.2022 the informant got an information that her sister has committed suicide whereupon informant reached on the spot and saw that his sister has been killed by pressing her neck and it has been alleged that all the accused persons killed his sister for non-fulfillment of his demand.

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 petitioner is the husband of the deceased and the allegation as alleged in the F.I.R. is false and fabricated and it has come during investigation that the deceased has committed suicide herself. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 14.07.2021.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that the



trial is in progress and it has come during investigation that the petitioner was involved in the present occurrence.

Considering the aforesaid facts and circumstances as well as period of custody, 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 A.D.J.-XI, Gopalganj in connection with S. Tr. No. 148 of 2022 arising out of Kuchaikote P.S. Case No. 287 of 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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