

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64821 of 2022

Arising Out of PS. Case No.-204 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

RAJIV KUMAR SON OF SANTOSH PRASAD GUPTA R/O GHANA
COLONY, P.S.- RAMKRISHNA NAGAR, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh, Advocates
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-07-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since 23.07.2021, in connection with Sessions Trial No. 245 of 2022 arising out of Ram Krishna Nagar P.S. Case No. 204 of 2020, F.I.R. dated 09.07.2020 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

Allegation against the petitioner is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry..

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the ground that the



petitioner is husband of the deceased. He further submits that from perusal of the F.I.R. it appears that there is no specific accusation of any assault or any giving demand of dowry attracted to the petitioner and in fact the deceased has committed suicide herself and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.07.2021.

The learned Additional Public Prosecutor for the State, on the other hand, on the basis of material available on record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that there is specific and direct allegation against the petitioner and there are sufficient materials against the petitioner to suggest the involvement of the petitioner in the present occurrence.

Vide order dated 25.04.2023, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 08.05.2023 reveals that out of five chargesheeted witnesses, no witness has been examined by the prosecution till date.

Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since



23.07.2021.

Considering the report of the learned Trial Court that the trial is not concluded in near future and the petitioner is in custody since 23.07.2021, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XXV, Patna in connection with Sessions Trial No. 245 of 2022 arising out of Ram Krishna Nagar P.S. Case No. 204 of 2020, 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 witness, 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 antecedents, 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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