

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63871 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- BAKHTIYARPUR District- Patna

Nitish Kumar Son of Ravi Chandra Prasad Resident of Village - Ghoswari,
P.S. - Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B), 34 of the Indian
Penal Code.

As per the F.I.R., the informant alleged that the lady,
Soni Kumar was married to Amit Kumar but she was always
tortured by the accused persons including the petitioner for
demand of dowry and subsequently, allegation is of killing her.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that in fact
the petitioner is brother-in-law of the deceased and he is living
separately from his brother who is husband of the victim. He



further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and the mother of the petitioner namely Abha Devi, who is mother-in-law of the victim has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 16.01.2023 passed in Cr. Misc. No. 40255 of 2022. He further submits on instruction that the husband of the deceased is in custody and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Bakhtiyarpur P.S. Case No. 02 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 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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