

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67182 of 2023

Arising Out of PS. Case No.-436 Year-2021 Thana- MADHAURAH District- Saran

Mantu Rai Son Of Chandeshwar Rai Resident Of Village - Madhopur, Ps-
Marhowrah, Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Learned counsel for the informant submits that he has already filed the hard copy of the *Vakalatnama* and provided the soft and scanned copy in the Court itself.

3. The petitioner seeks regular bail in connection with Marhowrah P.S. Case No. 436 of 2021 dated 26.07.2021, lodged under Sections 302, 304(B)/ 34 of the I.P.C.

4. As per the prosecution case, the F.I.R. has been lodged against four named accused persons including the present petitioner alleging that the marriage of informant's daughter was solemnized with the present petitioner and subsequently on demand of dowry, the petitioner and his family members killed the informant's daughter and thereafter the case

has been lodged under Sections 302, 304(B)/ 34 of the I.P.C.

5. Learned counsel for the petitioner submits that the investigation has been completed in this case and charge-sheet has been filed, found this case to be untrue under Sections 302 & 304(B) of the I.P.C. and true under Section 306 of the I.P.C. Counsel submits that till date, cognizance has not been taken in this case. Counsel submits that the antecedent of the petitioner is clean and he is in custody since 10.07.2022. Counsel submits that the petitioner is husband and there is absolutely no involvement of crime in this case, as he used to provide regular treatment to his wife which is apparent from Annexure- 2 series.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the F.I.R. has been lodged under Sections 302, 304(B)/ 34 of the I.P.C. but charge-sheet has been filed under Section 306 of the I.P.C. in connivance with the petitioner. Counsel submits that a report may be called for from the Trial Court about taking cognizance.

8. In response thereof, counsel for the petitioner submits that as per his knowledge, the cognizance has not been taken till date in this case.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 436 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any

criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

10. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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