

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71143 of 2022**

Arising Out of PS. Case No.-138 Year-2020 Thana- DAUDNAGAR District- Aurangabad

Lallu Rajwanshi Son of Ganarui Rajwanshi R/v- Arai, P.S.- Daudnagar,
District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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

2 04-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

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

According to prosecution case, the daughter of the
informant was killed by the accused persons including the
petitioner and cremated her dead body in a hasty manner. It is
further alleged that the deceased earlier told that she was being
harassed and tortured by her in-laws.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis that the petitioner is the brother-in-law of the deceased. He further submits that it appears from the F.I.R. that there is no allegation of assault or overt act rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the petitioner has no concern at all with the family affairs of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Daudnagar P.S. Case No. 138 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 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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