

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65763 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- NAANPUR District- Sitamarhi

SARVIND RAI @ SARVIND KUMAR YADAV SON OF RAM EKBAL
RAI, R/O VILLAGE- NAYA TOLA, SAREHA, P.S.- NANPUR, DISTRICT-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

According to prosecution case, the informant, namely,
Suresh Yadav had married his daughter with the brother of the
petitioner in the year 2017. After marriage, when his daughter
went to her in-laws house, petitioner and his family members
started demanding Rupees Five lac. When the demand was not
fulfilled, the petitioner's family members tortured his daughter.
In the meantime, his daughter got pregnant, and gave birth to a
son. It is alleged that the daughter of the informant was being



subjected to cruelty by the petitioner and other co-accused persons due to non-fulfillment of demand of cash of Rupees Five lac in dowry, ultimately on 12.05.2022, daughter of the informant was killed by the petitioner and other co-accused persons by strangulating her due to non fulfillment of dowry. Informant went to the petitioner's house and saw that his daughter's dead body was lying on porch, called the police and sent the body for post-mortem.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is the brother-in-law of the deceased and the allegation as alleged in the F.I.R. against the petitioner is false and fabricated and the petitioner is living separately from the family of the deceased. 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 there is no specific allegation of any assault or demand of dowry against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.09.2022.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Nanpur P.S. Case No. 183 of 2022, 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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