

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7508 of 2023**

Arising Out of PS. Case No.-105 Year-2022 Thana- KONCH District- Gaya

Nagendra Kumar @ Narendr Kumar S/O Ram Bilash Mahto R/O Village-
Srigawn, P.S- Konch, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

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

3 13-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 27.03.2022, in connection with Sessions Trial No. 456 of 2022 arising out of Konch P.S. Case No. 105 of 2022, F.I.R. dated 26.03.2022 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

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

4. 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 brother-in-law of the deceased and the husband is



working in Surat. He further submits that in fact the petitioner is living separately from the family members of the deceased and the allegation as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that it has come during investigation in paragraphs 33 and 34 of the case diary that the petitioner is living separately from the family members of the deceased and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.03.2022.

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

6. 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 Additional District and Sessions Judge-XII, Gaya in connection with Sessions Trial No. 456 of 2022 arising out of Konch P.S. Case No. 105 of 2022, subject to the following



conditions :-

(i) 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.

(ii) 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.

(iii) 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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