

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68215 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

1. RADHEY SHYAM SINGH Son of Late Bilal Singh R/V- Karma, P.S.- Kudra, Distt.- Kaimur (Bhabua)
2. Bhola Singh Son of Radhey Shyam Singh R/V- Karma, P.S.- Kudra, Distt.- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 304(B), 302 and 34 of the Indian Penal Code.

According to prosecution case, the petitioners along with other co-accused persons are said to have killed the deceased due to non-fulfillment of the demand of dowry.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He



further submits that it appears from the F.I.R. that there is no allegation of any assault or overt act against the petitioners and the specific allegation is against the co-accused namely, Prabhu Narayan Singh, who is husband of the deceased. He further submits that the petitioner is no.1 is father-in-law and the petitioner no.2 is brother-in-law of the deceased and they have no concern at all with the family affairs of the deceaseds. He further submits that the husband of the deceased is in custody since 23.08.2022 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 06.09.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kudra P.S. Case No. 212/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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