

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67671 of 2022**

Arising Out of PS. Case No.-297 Year-2022 Thana- KUDHNI District- Muzaffarpur

BACHHE LAL MANDAL @ BACCHE LAL MANDAL Son of Late Faudar
Mandal Resident of Village- Bakarpur, P.S.- Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Kanhaiya Kishore, APP

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

3 04-05-2023 Heard Mr. Ajay Kumar Thakur, learned counsel
appearing for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 24.06.2022 in connection with Kudhani (Turki O.P.) P.S. Case No. 297 of 2022, F.I.R. dated 20.06.2022 registered for the offence punishable under Sections 498(A), 363, 365, 34 of IPC and Section 3/4 of the Dowry Prohibition Act but the police submitted the chargesheet under Sections 304(B), 201, 120(B), 34 of IPC.

Allegation against the petitioner is that he alongwith other co-accused persons have in furtherance of their common intention committed the dowry death of the daughter of the informant.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. The petitioner is father-in-law of the deceased and he has no concern at all with the family affairs of the deceased and it appears from the FIR itself that the marriage was performed before seven years of the date of occurrence. Further submits that the marriage was performed before seven years, hence, no case under Section 304B of IPC is made out against the petitioner and except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 learned Sub Divisional Judicial Magistrate (West), Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 297 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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