

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71881 of 2022

Arising Out of PS. Case No.-113 Year-2017 Thana- KHUSRUPUR District- Patna

Roshan Kumar Son Of Swarth Yadav R/O Village- Chhotaki Hassanpur, P.S.-
Khusaroopur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Munish Kumar, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since 14.04.2022 in connection with S.Tr. No. 999 of 2022 arising out of Khusroopur P.S. Case No. 113 of 2017, F.I.R. dated 17.06.2017 for the offences punishable under Sections 304(B), 228/34 of the Indian Penal Code.

4. According to prosecution case, this petitioner along with his family members have poisoned the daughter of the informant due to non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner is falsely implicated in the present case only on the ground that the petitioner is the husband of the deceased. He further submits that it appears from the F.I.R that there is general and omnibus allegation of demand of dowry and there is no acquisition of any assault or overt act attributed against the petitioner. He further submits that as per the allegation, the petitioner and other co-accused has forcefully poisoned the deceased and there is no ante-mortem injury found on the person of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.04.2022.

6. The learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the deceased but fairly submits that on the basis of the supplementary affidavit filed the petitioner that some of the witnesses have been examined and they have not supported the case of the



prosecution.

7. 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 Additional District & Sessions Judge-IV, Patna City in connection with S.Tr. No. 999 of 2022 arising out of Khusroopur P.S. Case No. 113 of 2017, 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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