

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73636 of 2023

Arising Out of PS. Case No.-358 Year-2023 Thana- CHANDAUTI District- Gaya

JITENDRA KUMAR son of Late Girja Prasad Village- Shivnagar Ps-
Chandauti Dist- Gaya Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. A.K. Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :	Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-11-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mrs. Anita Kumarilearned APP for the State.

2. The petitioner is in judicial custody in connection
with Chandauti P.S. Case. Case No. 358 of 2023 registered
under Sections 304(B) of the Indian Penal Code lodged on
25.06.2023 by the informant, Nitu Devi.

3. As per the prosecution story, the informant has
alleged that the daughter was married to Alok Raj in 2020 and a
female issue was also there out of the said wed lock. However,
of late, she was tortured for dowry and there was a demand for
Bullet motorcycle. On the fateful day, 24.06.2023, when he
called his daughter, the phone was picked by his son-in-law,
Alok Raj, who informed that she is dead. Accordingly, he
reached the place, found her dead body which followed the
rituals and the FIR.



4. Learned counsel for the petitioner submits that he is father-in-law of the deceased, the allegation is demand of Bullet motorcycle which is naturally attributed to the son-in-law. Even otherwise there are documents on record which are part of the bail petition which shows that financially, it was the son-in-law who used to transfer amounts in the bank account of his father-in-law. In any case, he being separate in mess and business, the alleged death cannot be attributed to him. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail stating that there is allegation of demand of Bullet motorcycle for which there was the dowry death. The husband is on run and in that background, no relief can be granted to the father-in-law.

6. Having gone through the submissions of the parties and also the materials on record and the observation of the learned Sessions Judge which has recorded the cause of death, if the husband is on run, it is for the police to find him out so that he can be produced before the Court for facing the trial; so far as this petitioner is concerned, he is father-in-law, as submitted, living separately, is in custody since 26.06.2023 (as stated in paragraph-23 of the petition) and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.



7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 358 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

