

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73545 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- GOPALPUR District- West Champaran

Digambar Prasad @ Digambar Kumar Soni @ Digambar Sah S/o Late
Shambhu Prasad R/o Village- Kabilashwa, P.S.- Gopalpur, Distt- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
22.07.2022, in connection with Gopalpur P.S. Case No. 95 of
2022, F.I.R. dated 05.07.2022 registered for the offences
punishable under Sections 304(B)/201/34 of the Indian Penal
Code.

Allegation against the petitioner is of demand of
dowry and murder due to non-fulfillment of the same and
disappear the dead body of the deceased.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case merely on the ground that the petitioner is the



husband of the deceased. He further submits that 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 against the petitioner and other co-accused persons have already been granted bail and it has come during investigation that the deceased died due to illness and she died after 10 years of her marriage. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 22.07.2022.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 95 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 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 witness, 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 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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