

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75938 of 2023**

Arising Out of PS. Case No.-107 Year-2023 Thana- BELSAND District-
Sitamarhi

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BACHASPATI JHA S/O LATE CHANDRA KISHOR JHA VILLAGE- HASAUR,
PS. BELSAND, DIST. SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh
For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Ritesh Kumar Narain Singh, learned counsel

for the petitioner and Mr. Ram Naresh Ray, learned A.P.P. for the

State as well as learned counsel for the informant.

The petitioner apprehends his arrest in connection
with Belsand P.S. Case No. 107 of 2023 registered for the offence
under Sections 304(B) of the Indian Penal Code.

The daughter of the informant is subjected to assault
and torture on account of non-fulfillment of demand of dowry by
the petitioner and others and she has finally been done to death
for want of dowry.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the ground that
the petitioner happens to be father-in-law of the deceased. He



further submits that there is no specific allegation of assault or any overt act is attributed to the petitioner rather there is general and omnibus allegation leveled against him. Learned counsel for the petitioner on instruction further submits that the husband of the deceased namely, Mrityunjay Jha @ Mithu has been taken into judicial custody and this petitioner has not committed any offence in any manner.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner has been named in the F.I.R. and there is allegation that he along with other accused persons committed murder of the daughter of the informant.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 J.M.-1st Class, Sitamarhi in connection with Belsand P.S. Case No. 107 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 canceled 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) The learned court below is directed to verify the genuineness of the judicial custody of the husband of the deceased, namely, Mrityunjay Jha @ Mithu and if he would not found in judicial custody, the bail bonds of the petitioner shall not be accepted.

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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