

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75386 of 2022**

Arising Out of PS. Case No.-402 Year-2021 Thana- KHAGARIA District- Khagaria

Rahul Kumar @ Rahul Kumar Singh S/O Harendra Prasad Singh Resident of
village- Sagarmal Chowk, Ward No- 07, P.S.- Khagaria, District- Khagaria,
Bihar- 851204

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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

3 08-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
27.03.2022, in connection with Khagaria P.S. Case No. 402 of
2021, F.I.R. dated 21.05.2021 registered for the offences
punishable under Sections 304B/34 of the Indian Penal Code.

Allegation against the petitioner is that he along with
other co-accused persons committed torture and caused death of
the victim due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case merely on the ground that the
petitioner is brother-in-law of the deceased. He further submits



that as per allegation as alleged in the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and it has come during investigation that the deceased has committed suicide herself. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail 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, Khagaria in connection with Khagaria P.S. Case No. 402 of 2021, 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 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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