

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4039 of 2024

Arising Out of PS. Case No.-422 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Kamleshwar Rai @ Kamlesh Rai S/O Late Sheo Narayan Rai R/O Village-
Kamarapur, P.S- Buxar Muffasil, Distt.- Buxar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indra Bhushan Tiwary, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-02-2024 Heard Mr.Indra Bhushan Tiwary, learned counsel for
the petitioner and Mr.Bhanu Pratap Singh, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
24.09.2022, in connection with Trial No. 08 of 2023 arising out
of Buxar Muffasil P.S.Case No. 422 of 2022, dated 25.09.2022
registered for the offence punishable under Sections
341,323,307,498(A) of IPC and Sections 3/4 of Dowry
Prohibition Act, later on Section 304B of IPC was also added.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 23.06.2023 passed in Cr. Misc.
No.67638 of 2022. Thereafter, the petitioner has filed the
present bail petition for renewing his prayer for bail.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is father-in-law of the deceased.

5. Vide order dated 19.01.2024, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 25.01.2024 reveals that out of eleven chargesheet witnesses, only two witnesses have been examined as yet.

6. Learned counsel for the petitioner refers the aforesaid report and submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.09.2022 and the husband of the deceased, namely, Suryadeo Rai, who is in judicial custody since 10.12.2022.

7. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts, report of the learned Trial Court and the period of custody, 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 learned A.D.J.-V, Buxar in connection



with Trial No. 08 of 2023 arising out of Buxar Muffasil P.S.Case No. 422 of 2022,with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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