

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7408 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- MOTIPUR District- Muzaffarpur

Vishal Kumar S/O Umesh Mahto R/O Village- Baruraj, P.S- Baruraj, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the State : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mrs. Vaishnavi Singh, learned counsel for

the petitioner and Mr. Ram Priya Sharan Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Motipur P.S. Case No. 112 of 2023, F.I.R. dated 16.04.2023 for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, on non-fulfilment of the demand of dowry petitioner along with other co-accused persons under conspiracy has killed the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that merely on



the basis of the suspicion the petitioner has been made accused in the present case. He further submits that the informant is not the eye witness of the alleged occurrence and even no-one has seen the present occurrence merely on the basis of the suspicion the petitioner has been made accused in the present case. He further submits that except the aforesaid no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that petitioner is neither the relative of the husband of the deceased nor the family member of the deceased and he is friend of the husband of the deceased.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and it has come during the investigation that the petitioner is also involved in the present crime in question.

6. Considering the aforesaid facts, the petitioner has clean antecedent, name of the petitioner has transpired during the investigation on the basis of the suspicion and except the suspicion no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence, let the petitioner, above named, in the event of



arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned A.C.J.M., 2nd (West), Muzaffarpur in connection with Motipur P.S. Case No. 112 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his 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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