

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8722 of 2024

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

Chandrashekhar Kumar S/o Rajendra Mahto R/o Village - Baruraj, Police
Station - Baruraj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 19-07-2024 Heard Mr. Sanjay Kumar @ S.K., learned counsel
for the petitioner and Md. Mushtaque Alam, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.05.2023 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)/34 of the Indian Penal Code and Section 27 of
the Arms Act.

3. According to prosecution case, all the accused
persons including this petitioner have killed the daughter of the
informant due to non-fulfillment of the demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in



the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and the petitioner is not the family member of the deceased rather he is friend of husband of the deceased. He further submits that it has come during investigation in paragraph no. 44 of the case diary that the husband of the deceased has gave him pistol which was used in the present crime in question. He further submits that the husband of the deceased also confessed that the petitioner was not involved in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate 2 (West), Muzaffarpur in connection with Motipur P.S. Case No. 112 of 2023, subject to



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 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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