

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15259 of 2024

Arising Out of PS. Case No.-352 Year-2022 Thana- RAJPUR District- Buxar

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Dinesh Kumar @ Dinesh Singh SON OF SURESH SINGH R/O VILLAGE-
HUDRAHI, P.S.- RAJPUR, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Adv.

For the Opposite Party/s: Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2024 Heard the parties.

2. The petitioner is in custody in connection with S.T.R. No. 138/2023 arising out of Rajpur P.S. Case No. 352 of 2022 for the offence punishable under sections 120(B), 304(B) and 326 of the Indian Penal Code lodged on 09.12.2022 by the informant, Upendra Singh.

3. As per the prosecution story, the informant alleged that his daughter was married to the petitioner but was tortured for dowry and finally she was killed. Accordingly, the FIR.

4. The petitioner is in custody since 18.04.2023 (para 7 of the petition) and the contention of the learned counsel for the petitioner is that she died, the in-laws participated in the cremation and thereafter, the FIR was lodged. He has taken this Court to the deposition made by the informant before the Trial



Court which is part of the petition as Annuxure-P/4 to show that in Paragraph 18, it has been incorporated that since after the cremation, there was no conversation with the family members of the deceased's in-laws, he lodged the FIR. It has been further narrated in paragraph 12 that upon the illness of the daughter, they were informed, went to the hospital but she died.

5. Learned APP opposes the prayer for bail submitting that he is the husband and as such, onus lies on him and he has to remain in custody.

6. Taking into account the submissions put forward by the parties as also the deposition made by the informant before the Trial Court, the petitioner is in custody since 18.04.2023, he do not have criminal antecedent, the trial is going on and he is facing it. Further, the undertaking given by the learned counsel for the petitioner that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Session Judge-V, Buxar, in connection with S.Tr. No. 138/2023 arising out of Rajpur P.S. Case No. 352 of 2022 subject to the



following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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