

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14446 of 2023

Arising Out of PS. Case No.-49 Year-2020 Thana- ISHUPUR BARAHAT District- Bhagalpur

Surjeet Tanti @ Gawaskar Tanti @ Surjeet Gawaskar Tanti S/O Indradeo
Tanti, Resident of Village- Futahachak, P.S.- Ishipur Barahat, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

10 09-02-2024 Heard Mr. Anupa Nand Jha, the learned counsel for
the petitioner and Mr. Harendra Prasad, the learned Additional
Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Ishipur
(Barahat) PS Case No. 49 of 2020, FIR dated 08.07.2020, ST
No. 101 of 2022, for the offences punishable under Sections
304(B) and 201 read with Section 34 of the Indian Penal Code.

3. Earlier the petitioner has moved twice before a co-
ordinate Bench of this Court vide Cr. Misc. No. 38393 of 2022
and Cr. Misc. No. 13357 of 2021 and in both the cases, his bail
application has been rejected vide orders dated 03.08.2022 and
11.01.2022 respectively.

4. According to the prosecution case, the informant's
sister was murdered by her in-laws due to non-fulfillment of

dowry demand.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the ground that petitioner is brother-in-law of the deceased. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation attributed against the petitioner. In fact, the husband of the deceased namely, Pawan Kumar Tanti is in judicial custody since 14.08.2020 and the police have submitted the charge sheet and the petitioner is in custody since 04.08.2022.

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

7. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, nothing has come from the conscious possession of the petitioner and that he is in custody since 04.08.2022, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-XVI, Bhagalpur, in connection with **Ishipur (Barahat)**

PS Case No. 49 of 2020, 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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