

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16981 of 2024

Arising Out of PS. Case No.-308 Year-2022 Thana- BACHHWARA District- Begusarai

Bisheshwar Rai Son of late lakhan Rai Resident of vill.-Mau, Dhaneshwar,
P.S.-Vidyapati Nagar, Distt.-Samastipur. At present resident of Basuilya, Tol
Ward No.15, P.S.-Bachhwara, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Sharma, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Saroj Sharma, learned counsel for the

petitioner and Mr. Satya Nand Shukla, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bachhwara P.S. Case No. 308 of 2022, F.I.R. dated 28.11.2022 for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

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

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



petitioner is the father-in-law of the deceased. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of assault or overt act or demand of dowry attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the son of the petitioner who is husband of the deceased has been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 28.11.2023 passed in Cr. Misc. No. 55272 of 2023.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and he is father-in-law of the deceased and the husband of the deceased has already been granted bail by a Co-ordinate Bench of this Hon'ble Court, 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 Judicial Magistrate 1st Class, Begusarai in connection with Bachhwara P.S. Case No. 308 of 2022, 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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