

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31985 of 2024

Arising Out of PS. Case No.-198 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Rajesh Kumar Son of Ravindra Singh @ Ravindra Prasad Singh Resident of
Village- Jodhanbiga, P.S.- Shekhopur Sarai, Dist.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-08-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Shiekhpur Sarai P.S. Case No. 198 of 2022 for the offence punishable under Sections 498A, 494, 302, 201/34 of the IPC lodged on 27.11.2022 by the informant, Rajnish Raj .

3. As per the prosecution story, the allegation is that marriage of the petitioner took place with the victim lady in 2008. As the couple had no issue, she was regularly tortured and dowry demanded. For the sake of lady, the informant side gave Rupees Three lacs in cash but once again they demanded another Repees Ten lacs which they were unable to pay. It is the allegation that when they went for mediation but were not allowed to meet the lady and later came to know that she has been murdered and dead body was disposed of. Accordingly, the



FIR.

4. It is the case of the petitioner that on mere suspicion, he has been dragged in the case, the lady was suffering from several ailments and died natural death, the informant side was informed whereafter cremation took place but on false narration, the FIR was lodged.

5. Learned counsel for the informant, on the other hand, submits that as the couple had no issue, she was regularly harassed and further for want of dowry, she was killed and her body was thrown in Ganga and as such no postmortem was conducted.

6. Learned counsel for the petitioner refutes the same submits that the mortal remains were consigned to flames near Barh, Patna.

7. The allegation is there. The concerned court will take note of that and on the basis of evidences will come to the conclusion. For the present, the facts remain that the petitioner is in custody since 28.11.2022 (paragraph-38) of the petition. He do not have criminal antecedent and as per the report no.86 dated 09.07.2024 sent by learned District & Sessions Judge, Sheikhpur, out of seven charge-sheet witnesses three witnesses only have been examined till date the letter/report was sent.



8. Learned counsel for the petitioner submits that he will be diligently appearing in trial on each and every date and failure to do so and if there is any delay in trial due to laxity on his part, the learned trial court will be free to take steps for cancellation of his bail bond. In that background and considering all the aforesaid facts, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-III, Sheikhpura in connection with Shiekhopur Sarai P.S. Case No. 198 of 2022 subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his 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)

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