

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26074 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- BAKHARI District- Begusarai

Prashant Kumar@ Prashant Poddar Son Of Dharmendra Kumar @
Dharmendra Poddar Resident Of Village- Barbighi, Ps- Baliya (BALLIA),
Dist- Begusarai Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-08-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Bakhri (Bakhari) P.S. Case No. 36 of 2023 for the offence punishable under Sections 302, 120(b) and 34 of the IPC and section 27 of the Arms Act lodged on 17.02.2023 by the informant, Shakuntala Devi.

3. As per the prosecution story, the couple solemnized marriage in the year 2007 but the victim was tortured for dowry and she used to oppose his relationship with other woman and in the garb of taking her to worship in a temple, was killed. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admitted fact is that in course of robbery, the accused opened fire which hit the wife who succumbed to the injuries, but in the FIR, the mother of the deceased implicated the petitioner alleging that he wants to perform second marriage.

5. Learned APP opposes the prayer stating that from



the FIR itself, it is evident that it was not a robbery rather a planned killing.

6. Learned counsel for the petitioner has brought attention of this Court to the deposition made by the informant, Shakuntla Devi before the trial court in Sessions Trial No. 887/2023 on 17.08.2024 in which she has recorded her version that the daughter was killed by the accused persons while the couple was going to perform worship in a temple. She earlier implicated her son-in-law on the basis of suspicion and he has no role.

7. Let the said deposition made by the informant before the trial court be kept on record.

8. Though an innocent life has come to an end, FIR was lodged and the trial is on its way, considering the deposition that the informant has made coupled with the fact that the petitioner is in custody since 20.03.2023 (para-15 of the petition), 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 1st, Begusarai in connection with



Bakhri (Bakhari) P.S. Case No. 36 of 2023 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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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