

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27683 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- MATIHANI District- Begusarai

Devendra Rai Son of Late Ram Swarath Rai, Resident of Village and P.O.-
Matihani, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Saket Kumar, the learned counsel for the

petitioner and Mr. Rajendra Prasad Nat, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Matihani PS Case No. 131 of 2023, FIR dated
30.08.2023, registered for the offences punishable under Sections
304(B) and 201 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the daughter of
informant was ousted from her *sasural* due to non-fulfillment of
dowry demand and after some mediation she was allowed to stay
in her *sasural*. It is further alleged that the informant was informed
by some co-villagers that the in-laws of her daughter had killed her
daughter and cremated her body and when the informant reached
the *sasural* of her daughter the said in-laws fled away.



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 petitioner is distant 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 or demand of dowry attributed against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner and the petitioner is retired army personnel and at present, he is working in the railways.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, where the case is pending in connection with **Matihani**



PS Case No. 131 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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