

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30355 of 2024

Arising Out of PS. Case No.-239 Year-2022 Thana- BARHIYA District- Lakhisarai

Raushan Kumar S/o Sunil Singh R/o Village Jaitpur, PS Barahiya, District Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 21-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Barahiya P.S. Case No. 239/2022 (Sessions Trial No.59/2024) registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and others have committed the murder of informant's sister by administering poison due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. The petitioner is languishing in custody since 14.09.2023 and bears no criminal antecedent. He further



submits that the petitioner being a husband of the deceased and he has falsely been implicated in the present case. He further submits that during course of examination-in-chief the informant stated that his sister had died on account of overdose of medicine and none of the prosecution witnesses has supported the story of prosecution. In this way, the petitioner has already spent more than nine months in judicial custody. He further submits that postmortem report clearly indicates that there is no external injury on the part of the body of the victim.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody undergone by the petitioner is more than nine months, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Lakhisarai in connection with Sessions Trial No.59/2024 arising out of Barahiya P.S. Case No. 239/2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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