

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30306 of 2024

Arising Out of PS. Case No.-214 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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Bihari Prasad S/O Shambhu Prasad R/O Village- Chainpatti Bhangar, P.S-
Nagar Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the State : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 04-09-2024 Heard Mr. Lokesh Kumar Singh, learned counsel for

the petitioner and Mr. Shailendra Kumar, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
29.12.2023, in connection with Gopalganj Nagar P.S. Case No.
214 of 2020, FIR dated 14.04.2020 registered for the offence
under Sections 304(B), 201 and 34 of the Indian Penal Code and
Section ³/₄ of the D.P. Act.

3. The daughter of the informant has been tortured by
the accused persons on non-fulfillment of the demand of dowry.
It is further alleged that the daughter of the informant has been
murdered by the accused persons.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case merely on



the ground that petitioner is husband of the deceased. He further submits that initially the petitioner has not been named in the F.I.R. but his name has come during the investigation on the basis of the supervision note of the Dy. S.P. He further submits that in fact the marriage of the deceased with the petitioner was performed in the year 2018 and thereafter the petitioner went to gulf country after three months of the marriage and he has returned on 09.04.2021. He further submits that it appears from the FIR as well as photocopy of the passport of the petitioner which was produced by the learned counsel for the petitioner in the mid of the argument which suggest that the petitioner was not present on the date of the occurrence. The petitioner is rotting in judicial custody since 29.12.2023.

5. Learned APP for the State, on the other hand, opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner having clean antecedent, it is admitted fact that on the date of the occurrence the petitioner was not present in the country and he has been made accused merely on the ground that he is husband of the deceased, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Nagar P.S. Case No. 214 of 2020 with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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